

Committee Room,  
Austin, Texas, May 10, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 2, Be it resolved by the Senate, the House of Representatives concurring, That the Comptroller be and is hereby authorized to draw warrants to pay the balance due and to become due to members, officers and employes of the Regular Session of the Thirtieth Legislature out of the appropriation made to pay per diem pay of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature, and declaring an emergency."

And find it correctly enrolled, and have this day, at 4:55 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

#### TWENTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,  
Saturday, May 11, 1907.

The Senate met pursuant to adjournment, Lieutenant Governor Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent—Excused.

Holsey.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Terrell, the same was dispensed with.

There being no bills and resolutions, committee reports, petitions or memo-

rials, the Chair declared the morning call concluded.

#### PRESIDENT PRO TEM. — ELECTION OF.

The Chair here announced the election of a President Pro Tem. for the ensuing term was in order, whereupon

Senator Willacy placed in nomination Senator B. F. Looney of Hunt county. In nominating Senator Looney, Senator Willacy made a brief, but highly complimentary reference to him as being a splendid gentleman and legislator, as also did Senator Skinner who seconded the nomination.

There being no other nominations, the Chair declared nominations closed.

Senators Willacy, Skinner, Masterson and Veale were appointed tellers.

Senator Looney received twenty-five votes, and Senator Glasscock (whose name was not presented) received one vote.

Senator Looney having received a majority of the votes cast, the Chair declared him duly and constitutionally elected.

The Chair requested Senators Skinner and Willacy to escort the President Pro Tem.-elect to the President's chair, whereupon the constitutional oath was administered him.

In accepting the office of President Pro Tem., Senator Looney expressed his appreciation of the honor conferred upon him.

(President Pro Tem. Looney in the chair.)-

#### HOUSE BILL NO. 8.

On motion of Senator Glasscock, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, House bill No. 8.

The Chair laid before the Senate, on second reading,

House bill No. 8, A bill to be entitled "An Act to amend Section 8 of Chapter 130 of the Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, approved April 17, 1905, entitled 'An Act to provide a method for the assessment and collection of taxes on real property omitted from the tax rolls for the year or years since the year 1884, and a method for reassessing and collecting the tax on real properties on which former assessments are found to be invalid, or which have been declared invalid by a district court for

any reason in any suit to enforce the collection of taxes on said properties; to validate certain described assessments made under various methods, and to promote generally the collection of all delinquent taxes."

Senator Smith offered the following amendment, which was adopted:

Amend Section 8, page 2, by adding to line 20, the following:

"Provided that no delinquent property shall be subject to be so taxed nor be placed upon such delinquent tax record, except for taxes accrued within ten years next preceding the making of such delinquent tax record."

Senator Glasscock offered the following amendment, which was adopted:

Amend by adding Section 2.

"Section 2. Owing to the lateness of the session and there being no sufficient law to render for taxation property appearing on the delinquent list, or that should be rendered for taxes, creates an emergency and imperative public necessity requiring the rule that bills be read on three several days be suspended, and said rule is hereby suspended and this act shall take effect and be in force from and after its passage, and it is so enacted."

Bill read second time, and passed to a third reading.

On motion of Senator Glasscock, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Barrett.	Looney.
Brachfield.	Masterson.
Cunningham.	Meachum.
Faust.	Paulus.
Glasscock.	Senter.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Hudspeth.	

Present—Not Voting.

Murray.

Absent.

Alexander.	Mayfield.
Chambers.	Skinner.
Green.	Watson.
Kellie.	Willacy.

Absent—Excused.

Holsey.

The bill was read third time, and passed.

Senator Glasscock moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

### SIMPLE RESOLUTION.

By Senator Harper (by request):

Whereas, In the report of the committee appointed to recommend such officers and employes to be retained after adjournment, etc., as appears in Senate Journal of April 11, 1907, the name of C. H. Allen was recommended as Sergeant-at-Arms; and,

Whereas, Since that time E. J. Roberts has been elected Sergeant-at-Arms of this body and has duly qualified as such; therefore, be it

Resolved, That the name of E. J. Roberts be and the same is hereby substituted for that of C. H. Allen in said report.

SKINNER.

The resolution was read and adopted.

### PRIVILEGED MOTION.

Senator Hudspeth here moved to rescind the vote by which the motion to rescind the vote on Senate bill No. 17, the Nine Juror bill, was tabled, in order to again bring the bill before the Senate. (See proceeding on this bill in former day's proceedings.)

Senator Meachum made the point of order that the motion came too late and was out of order.

The Chair sustained the point of order. (Senator Faust in the chair.)

### HOUSE BILL NO. 76.

On motion of Senator Hudspeth, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, House bill No. 76.

Senator Hudspeth moved that the bill be made a special order for 11 o'clock today.

### HOUSE BILL NO. 13—FREE CONFERENCE COMMITTEE REPORT.

By Senator Smith, as privileged matter:

Committee Room,

Austin, Texas, May 10, 1907.

Hon. A. B. Davidson, President of the Senate, and Hon. Thos. B. Love, Speaker of the House of Representatives.

Sirs: We, your Free Conference Com-

mittee, appointed to adjust the differences existing between the two houses on House bill No. 13, a bill to be entitled "An Act to tax property passing by will, or by descent, or by grant or gift; taking effect on the death of the grantor or donor," have had the same under consideration for the purpose of adjusting the differences between the two houses and beg to report the following bill back to the House of Representatives and to the Senate as being an adjustment of the existing differences:

H. B. No. 13.

By Strickland.

### A BILL

#### To be Entitled

An Act to tax property passing by will or by descent, or by grant, or by gift; taking effect on the death of the grantor or donor.

Be it enacted by the Legislature of the State of Texas:

Section 1. (1) All property within the jurisdiction of this State, real or personal, corporal or incorporeal, and any interest therein, whether belonging to inhabitants of this State or not, which shall pass absolutely or in trust, by will or by the laws of descent of this or any other State, or by deed, grant, sale or gift, made or intended to take effect in possession or enjoyment, after the death of the grantor or donor, shall, upon passing to or for the use of any person, except the father or mother, husband or wife, or a direct lineal descendant or an adopted child of the descendant, or any public corporation, or charitable, educational or religious organization within this State, be subject to a tax for the benefit of the State as follows:

(2) If passing to or for the use of a brother or sister, or a lineal descendant of a brother or a sister of a decedent, the tax to be paid by each heir, donee, or legatee, on the market or actual value of the property received by each shall be 2 per cent on any value in excess of \$2000 and not exceeding \$10,000; 2½ per cent on any value in excess of \$10,000 and not exceeding \$25,000; 3 per cent on any value in excess of \$25,000 and not exceeding \$50,000; 3½ per cent on any value in excess of \$50,000 and not exceeding \$100,000; 4 per cent on any value in excess of \$100,000 and not exceeding \$500,000, and 5 per cent on any value in excess of \$500,000.

(3) If passing to or for the use of an uncle or aunt, or a lineal descendant

of an uncle or aunt of a decedent, a tax to be paid by each heir, donee or legatee on the market or actual value of the property received by each shall be 3 per cent on any value in excess of \$1000 and not exceeding \$10,000; 4 per cent on any value in excess of \$10,000 and not exceeding \$25,000; 5 per cent on any value in excess of \$25,000 and not exceeding \$50,000; 6 per cent on any value in excess of \$50,000 and not exceeding \$100,000; 7 per cent on any value in excess of \$100,000 and not exceeding \$500,000, and 8 per cent on any value in excess of \$500,000.

(4) If passing to or for the use of any other person, natural or artificial, not otherwise exempt by the provisions of this act, the tax to be paid by each heir, donee or legatee on the market or actual value of the property received by each shall be 4 per cent on any value in excess of \$5000 and not exceeding \$10,000; 5½ per cent on any value in excess of \$10,000 and not exceeding \$25,000; 7 per cent on any value in excess of \$25,000 and not exceeding \$50,000; 8½ per cent in excess of \$50,000 and not exceeding \$100,000; 10 per cent on any value in excess of \$100,000 and not exceeding \$500,000, and 12 per cent on any value in excess of \$500,000.

Sec. 2. If the property passing as aforesaid shall be divided into two or more estates, as an estate for years or for life and a remainder, the tax shall be levied on each estate or interest separately according to the value of the same at the time each heir, devisee, legatee or grantee of the decedent comes into possession of same. The value of estates for years, estates for life, remainders and annuities shall be determined by the "Actuaries' Combined Experience Tables," at 4 per cent compound interest. All remainders and contingent estates shall be reappraised at the time the owner comes into possession of the same.

Sec. 3. If the testator bequeaths or devises to his executor or trustee, property in lieu of the latter's commission the value of such property in excess of reasonable compensation, as determined by the county judge on his own motion, or on the application of any officer on behalf of the State, shall be subject to taxation under this act.

Sec. 4. Every executor, administrator and trustee of the estate of a decedent, leaving property subject to taxation under this act, whether such property passes by will or by the laws of descent or otherwise, shall, within three months

after his appointment, make and file an inventory thereof in the county court, having jurisdiction of the estate of the decedent. Any executor, administrator or trustee refusing or neglecting to comply with the provisions of this section shall be liable to a penalty not exceeding \$1000, to be recovered in an action brought in behalf of the State by the district or county attorney upon notice from the judge of the county court.

Sec. 5. If within three months after the death of a decedent leaving property subject to taxation under this act, no application for letters testamentary or of administration shall be made, it shall be the duty of the county court to appoint an administrator. It shall be the duty of the county attorney to report to the judge of the county court all such estates, whether the property subject to taxation passes by will or by laws of descent or otherwise. For each decedent's estate thus reported the county attorney shall receive a compensation of 10 per cent of the tax payable, but not to exceed \$20 in any one estate. Such payment shall be made by the collector of taxes on the certificate of the county judge out of the taxes paid him on property belonging to such estate.

Sec. 6. Said tax shall be assessed upon the actual or market value of the property. The judge of the county court having jurisdiction of the estate of the decedent shall, as often and whenever occasion may require, appoint two competent and disinterested persons as appraisers to fix the value of property subject to said tax. The appraisers being first sworn shall forthwith give notice to all persons known to have a claim or interest in the property to be appraised, including the executor, administrator or trustee, and a collector of taxes of the county, of the time and place when they will appraise the same. At such time and place they shall appraise such property at its actual or market value at the time of the death of said decedent, and shall thereupon make report thereof in writing to said county judge who shall file such report. Each appraiser shall be paid, on a certificate of the county judge, two dollars for each day employed in such appraisal, together with his actual necessary expenses incurred therein, which payment shall be made by the collector of taxes out of any money in his hands received under this act; provided, however, that upon the agreement of the parties interested to dispense with the appointment of appraisers the county judge shall himself appraise the property and make and file

a report thereof. If the same decedent shall leave property subject to this tax to more than one person a separate appraisal and report shall be made for the property of each person.

Sec. 7. Immediately upon the filing of the report of the appraisement the county judge shall calculate and determine the amount of tax due on such property under this act and shall, in writing, certify such amount to the collector of taxes to the executor, administrator or trustee and to the person to whom or for whose use the property passes. Said tax shall be a lien upon said property from the death of the decedent until paid, and shall bear interest from such death until paid, unless payment shall be made within six months after such death, in which case no interest shall be charged.

Sec. 8. If such property be in the form of money the executor, administrator or trustee shall deduct the amount of the tax therefrom before paying it to the party entitled thereto; if it be not in the form of money he shall withhold the property until the payment by such party of the amount of tax due; in any case the executor, administrator or trustee shall be liable for the amount of the tax and shall have the right, in case of neglect or refusal after due notice of the party entitled to the property to pay such amount, to sell, at public sale after due notice to such party, the property or so much thereof as may be necessary. Out of the sum realized on such sale the executor, administrator or trustee shall deduct the amount of the tax and expenses of the sale and shall pay the balance to the party entitled thereto.

Sec. 9. Whenever any legacy subject to such tax shall be charged upon or payable out of real estate, the heir, or devisee, before paying the legacy, shall deduct the amount of the tax therefrom and pay the amount so deducted to the executor, administrator or trustee; the amount of the tax shall remain a charge on said real estate until paid, and payment thereof shall be enforced by the executor or trustee in same manner as payment of the legacy itself could be enforced.

Sec. 10. All taxes received under this act by any executor, administrator or trustee shall be paid by him within thirty days thereafter to the collector of taxes of the county whose county court has jurisdiction of the estate of the decedent. Upon such payment the collector shall make duplicate receipts thereof; he shall deliver one to the party making payment, the other he shall

send to the Comptroller of Public Accounts, who shall charge the collector with the amount thereof, and shall countersign and affix his seal of office to such receipt and transmit same to the party making payment.

Sec. 11. In case such tax shall not be paid to the collector of taxes within six months after the county judge has notified the amount thereof as hereinbefore provided the collector shall commence an action to recover the amount of such tax against the executor, administrator or trustee, and the party to whom or for whose use the property has passed; provided, that the county judge may by certificate to the collector extend such time of payment whenever the circumstances of the case require.

Sec. 12. The collector of taxes of each county shall, on or before the fifteenth day of each month, pay to the State Treasurer all taxes received by him under this act before the first day of that month, deducting therefrom all lawful disbursements made by him under this act, and also his compensation at the rate of one per cent on all taxes collected under this act, provided the amount in no event shall exceed \$50.

Sec. 13. The money received by the State Treasurer under this act shall be deposited in the State treasury to the credit of the fund now there existing and known as the general revenue fund.

Sec. 14. Whenever any debts shall be proven against the estate of the decedent after the distribution of property on which the tax has been paid, and a refund is made by the distributee, a due proportion of the tax so paid shall be repaid to him by the executor, administrator or trustee, if still in his hands, or by the collector of taxes if it has been paid to him. The collector shall pay such sums upon the order of the county judge out of any money in his possession under this act; and the Comptroller of Public Accounts shall credit the collector with all sums so paid out by him.

Sec. 15. No final account of an executor, administrator or trustee shall be allowed by the county judge unless such account shows, and said judge finds, that all taxes imposed under this act on any property or interest passing through his hands as such have been paid; and the receipt of the collector of taxes for such taxes shall be the proper voucher for such payment.

Sec. 16. If for any reason administration of the estate of the decedent leaving property subject to taxation under this act shall not be necessary in this State, except in order to carry out the provisions

of this act, it shall be in the discretion of the county judge upon the filing of a satisfactory inventory of the taxable property by the trustee or owner, to dispense with the appointment of an administrator. Upon the filing of such inventory the appraisement and other proceedings required by this act shall be had as in other cases.

Sec. 17. In order to show that real estate is not subject to the tax and lien, or to cancel such lien and remove the incumbrance created upon real estate by the provisions of this act, upon application therefor, supported by satisfactory proof, the county judge of the county in which administration of the decedent's estate may be had under the laws of this State, or in which the testator, intestate, grantor or donor resides at the time when such property was conveyed, may issue his certificate, which shall describe the property and recite that the property of such applicant, or person, in whose behalf the same is made, is not subject to such tax and lien or in case the same has been so subjected that it has been paid off and lien discharged and which certificate may be recorded in the deed or release record of the county where any such property is located and when so issued, a record shall be full evidence that the property described therein is free from such tax or lien.

SMITH,  
GRIGGS,  
MASTERTON,  
CUNNINGHAM,  
On part of the Senate.  
STRICKLAND,  
BROWN of Wharton,  
WOLFE,  
BRALY,  
CANALES,  
On part of the House.

Senator Stokes moved to adopt the above report.

(Lieutenant Governor Davidson in the chair.)

Senator Griggs moved the previous question on motion to adopt the report, which motion being duly seconded was so ordered.

On motion of Senator Griggs the reading of the report was dispensed with.

The Senate refused to adopt the report by the following vote:

Yeas—8.

Barrett.	Paulus.
Brachfield.	Stokes.
Grinnan.	Terrell.
Harper.	Veale.

## Nays—14.

Cunningham.	Looney.
Faust.	Masterson.
Glasscock.	Mayfield.
Greer.	Murray.
Griggs.	Senter.
Hudspeth.	Smith.
Kellie.	Stone.

## Absent.

Alexander.	Meachum.
Chambers.	Skinner.
Green.	Watson.
Harbison.	Willacy.

## Absent—Excused.

Holsey.

Senator Smith moved to reconsider the vote by which the Senate refused to adopt the Free Conference Committee report, and lay that motion on the table. The motion to table prevailed.

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on Senate bill No. 4. The following have been appointed on part of the House: Messrs. O'Neal, Mobley, Beaty, Patton and Johnson.

Does not concur in Senate amendments to House bill No. 67, and requests a Free Conference Committee be appointed. The following have been appointed on part of the House: Messrs. Canales, Carswell, Bryan, Johnson and Silliman.

Does not concur in Senate amendments to House bill No. 7, and a Free Conference Committee is requested. The following have been appointed on part of the House: Messrs. Kennedy, Robertson of Bell, Patton, Cable and Duncan.

Grants the request of the Senate for a Free Conference Committee on Senate bill No. 18, and the following have been appointed on part of the House: Messrs. Nelson of Hopkins, Hamilton, Stratton, Wolfe and Davis of Brazos.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## FREE CONFERENCE COMMITTEE APPOINTED.

In accordance with the above request from the House the Chair (Lieutenant Governor Davidson) appointed the fol-

lowing Free Conference Committees on part of the Senate:

On House bill No. 67: Senators Murray, Hudspeth, Willacy, Watson and Masterson.

On House bill No. 7: Senators Skinner, Willacy, Green, Alexander and Chambers.

## SPECIAL COMMITTEE.

The Chair (Lieutenant Governor Davidson) here, and in accordance with House Concurrent Resolution No. 2, appointed the following special committee: Senators Glasscock and Faust.

## MESSAGE FROM THE GOVERNOR.

Executive Office, State of Texas.

Austin, Texas, May 11, 1907.

To the Legislature:

House bill No. 2, entitled "An Act to amend Article 2439, Chapter 1, Title 45, of the Revised Civil Statutes of Texas, relating to fees of office charged and collected by certain State officers, amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature of Texas, and adding thereto Article 2439a, prohibiting the approval or payment of any account or claim to any official who refuses or fails to take out his commission, and declaring an emergency," was passed by this Legislature during the Special Session and is now in my hands, and I suggest that by concurrent resolution your honorable bodies recall this bill and amend Section 1 of same by striking out the following: "Provided, a foreign corporation shall only be required to pay on such proportion of its capital as is employed within this State. The Secretary of State shall adopt such methods of ascertaining the amount of capital employed within this State as may be prescribed by the Attorney General of the State."

The effect of this provision in the bill might be to exempt foreign corporations from the payment of fees for permits to do business in Texas, and was doubtless inadvertently placed in this bill.

T. M. CAMPBELL,

Governor.

## SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution No.

3, requesting the Governor to return House bill No. 2 for correction.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

The above resolution was read and referred to Judiciary Committee No. 2.

### THIRD HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 55, A bill to be entitled "An Act to amend an act passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a board to calculate the rate of taxes for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State,' providing that said board shall also calculate the ad valorem rate of taxes for public free school purposes and also authorizing the commissioners courts of the several counties of this State to calculate the rate and to adjust the taxes levied in the several counties or portions thereof, for general or special purposes to the taxable values as shown on assessment rolls," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

### HOUSE CONCURRENT RESOLUTION NO. 3.

On motion of Senator Looney, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, House Concurrent Resolution No. 3.

The Chair laid before the Senate

House Concurrent Resolution No. 3, requesting the Governor to return House bill No. 2 for correction.

On motion of Senator Looney the Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this resolution (see Appendix for committee report).

On motion of Senator Looney the committee report, which provided that the resolution be not printed, was adopted.

The resolution was read and adopted.

Senator Looney moved to reconsider the vote by which the resolution was

passed, and lay that motion on the table.

The motion to table prevailed.  
(Senator Stone in the chair.)

### SIMPLE RESOLUTION.

By Senator Harbison, by unanimous consent:

Whereas, Henry Jackson has been serving as a porter in the capacity of a bootblack for the Special Session of this Legislature and has bought his own material for his work; therefore, be it

Resolved by the Senate, That the said Henry Jackson be and is hereby allowed the sum of \$30 for his work in the Special Session of this Legislature.

Senator Harper made the point of order on the resolution, citing constitutional authority in sustaining this point of order.

The Chair (Senator Stone) sustained the point of order.

### FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 63, A bill to be entitled "An Act to amend Section 201 of an act entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first class as a city of 10,000 and over of inhabitants; to grant to the said city a special charter; to repeal all laws in conflict herewith, and declaring an emergency,'" with amendments.

Senate bill No. 66, A bill to be entitled "An Act correcting and amending Senate bill No. 311, passed at the Regular Session of the Thirtieth Legislature creating an independent school district in the counties of Gonzales and Wilson, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

(Lieutenant Governor Davidson in the chair.)

### SENATE BILL NO. 63—HOUSE AMENDMENTS CONCURRED IN.

Senator Terrell called up as a privileged matter:

Senate bill No. 63, A bill to be entitled "An Act to amend Section 201 of an act entitled an act to incorporate the city of Texarkana, Texas, as a city of the first class as a city of ten thousand and over of inhabitants; to grant to the said city a special charter; to repeal all laws in conflict herewith, and declaring an emergency,"

And moved that the Senate concur in the following House amendments:

Amend Senate bill No. 63 by adding at the end of Section 201 the following:

"Provided, should the city council desire to require any telegraph or telephone company now doing business in said city without a permit to remove its poles and wires from said city and to discontinue doing business in said city, it shall first submit the proposition of such removal to a vote of the qualified voters who are property taxpayers of said city at an election ordered by said city council for that purpose, and a majority of the votes cast at such election shall be necessary to authorize the council to require such removal."

The motion to concur prevailed by the following vote:

#### Yeas—21.

Barrett.	Kellie.
Brachfield.	Looney.
Cunningham.	Masterson.
Faust.	Mayfield.
Glasscock.	Murray.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Watson.
Hudspeth.	

#### Absent.

Alexander.	Senter.
Chambers.	Skinner.
Green.	Smith.
Meachum.	Willacy.
Paulus.	

#### Absent—Excused.

Holsey.

Senator Terrell moved to reconsider the vote by which the amendment was concurred in, and lay that motion on the table.

The motion to table prevailed.

#### SIMPLE RESOLUTION.

By Senator Glasscock:

Whereas, Hon. Walter R. Holsey, a member of this Senate, is now critically ill and by reason of such sickness has

been unable to attend the sessions of this Senate; therefore, be it

Resolved, That Senator Holsey be excused for his non-attendance because of such sickness, and the Senate extends to him our sympathy and earnest solicitude for his speedy recovery.

The resolution was read and unanimously adopted by a rising vote.

(Senator Veale in the chair.)

#### HOUSE BILL NO. 76.

On motion of Senator Hudspeth, the pending order of business (Senate bill No. 1) was suspended, and the Senate took up, out of its order, House bill No. 76.

The Chair laid before the Senate, on second reading,

House bill No. 76, A bill to be entitled "An Act to prescribe the time within which statement of facts, bills of exceptions may be filed in causes tried in the district and county courts of Texas; and to authorize judges whose terms of office has expired to approve the same, being Chapter 25 of the Acts of 1903, approved February 28, 1903, amending so that judges also have twenty days after adjournment of the term of court at which said cause may be tried, to file findings of fact and conclusions of law."

On motion of Senator Cunningham the committee report, which provided that the bill be not printed, was adopted.

Senator Cunningham offered the following amendment, which was adopted:

Amend the caption of House bill No. 76 by striking out the word "twenty," in line 12, and inserting in lieu thereof the word "ten."

Senator Hudspeth offered the following amendment, which was adopted:

Amend Section 2 by adding:

"The near approach of the end of this session, and the fact that trial judges often try cases on the last days of the term of their courts and have no time to make up their findings of fact and conclusion of law, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days be suspended and this act take effect from and after its passage."

Bill read second time, and passed to a third reading.

On motion of Senator Hudspeth the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:



## Yeas—22.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Cunningham.	Mayfield.
Faust.	Senter.
Glasscock.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harper.	Veale.
Hudspeth.	Watson.

## Nays—1:

Murray.

## Absent.

Chambers.	Paulus.
Green.	Skinner.
Harbison.	Willacy.
Meachum.	

## Absent—Excused.

Holsey.

The bill was read third time, and passed by the following vote:

## Yeas—24.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harper.	Veale.
Hudspeth.	Watson.

## Nays—1.

Murray.

## Absent.

Green.	Skinner.
Harbison.	Willacy.
Meachum.	

## Absent—Excused.

Holsey.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay the motion on the table.

The motion to table prevailed.

## FIFTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: I am directed by the House to in-

form the Senate that the House has passed the following bill:

Senate bill No. 48, A bill to be entitled "An Act to amend Article 1092, Chapter 2, Title XV, of the Code of Criminal Procedure of the State of Texas, relating to fees of county and district attorneys in examining trials," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

(Lieutenant Governor Davidson in the chair.)

## SENATE BILL NO. 55—HOUSE AMENDMENTS CONCURRED IN.

Senator Looney called up, as a privileged matter:

Senate bill No. 55, A bill to be entitled "An Act to amend an act passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a board to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State,' providing that said board shall also calculate the ad valorem rate of taxes for public free school purposes, and also authorizing the commissioners courts of the several counties of this State to calculate the rate and to adjust the taxes levied in the several counties or portions thereof, for general or special purposes to the taxable values as shown on the assessment rolls, and declaring an emergency,"

And moved that the Senate concur in the following House amendments:

Amend the bill by striking out on page 2, line 3, the word "certified" and add on same page, line 4, after the word "statement," "as near as can be ascertained from the inventories or assessments."

Amend the bill by changing the number of Section 5 so as to make it Section 6 of said bill, and add Section 5 to read as follows:

Section 5. The commissioners courts of the several counties of this State, all the members thereof being present, at either a regular or special session, may at any time after the tax assessors of their respective counties have forwarded to the Comptroller of Public Accounts the certificate required in Section 2 of this act, and prior to the time when the tax collector of such county shall have begun to make out his receipts, calculate the rate and adjust the taxes levied in their respective counties, for general and

special purposes, to the taxable values shown by the assessment rolls.

Senator Smith moved, as a substitute, that the Senate do not concur in the House amendments, and asked for a conference committee, which motion prevailed.

The Chair here appointed the following as the conference committee on Senate bill No. 55, on part of the Senate: Senators Willacy, Skinner, Harper, Barrett and Looney.

#### SENATE BILL NO. 48—HOUSE AMENDMENTS ON.

Senator Faust here called up as a privilege matter,

Senate bill No. 48, A bill to be entitled "An Act to amend Article 1092, Chapter 2, Title XV, of the Code of Criminal Procedure of the State of Texas, relating to fees of county and district attorneys in examining trials, and declaring an emergency,"

And moved that the Senate concur in the following House amendments:

Amend bill, first, by inserting immediately after Subdivision 6, Subdivision 7, which reads as follows:

Subdivision 7. In habeas corpus proceedings in felony cases, the clerks of the district courts shall be paid by the State, upon the certificate of the judge, the following fees, not to exceed ten dollars in any one case: For taking down the evidence, ten cents for every one hundred words; for entering the judgment of the court, one dollar; for making out transcript in case of appeal, ten cents for every one hundred words.

Second. By striking out the word "section," in line 3, on page 2, of printed bill, and inserting in lieu thereof the word "subdivision."

Senator Brachfield moved, as a substitute, that the Senate do not concur in the House amendments, and asked for a Free Conference Committee.

The substitute motion prevailed, and The Chair appointed the following as the Free Conference Committee on part of the Senate:

Senators Faust, Paulus, Glasscock, Stokes and Cunningham.

#### SIXTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.  
Hon. A. B. Davidson, President of the Senate:  
Sir: I am directed by the House to

herewith return House bill No. 2 for the purpose of correction.

Respectfully,

BOB BARKER,  
Chief Clerk, House of Representatives.

#### ADDITIONAL HELP.

The Chair here stated that, in his opinion, there would have to be additional help in the enrolling room for today,

Whereupon, on motion of Senator Terrell, the President of the Senate was authorized to employ such additional help as deemed by him necessary.

#### HOUSE BILL NO. 2.

On motion of Senator Looney, the pending order of business was suspended and the Senate took up, out of its order, House bill No. 2.

(Note—This bill had been finally passed by the Senate and had been returned for correction by concurrent resolution.)

Senator Looney moved that the vote by which House bill No. 2 was passed, and the vote by which the motion to reconsider said vote was tabled, be rescinded.

The motion to rescind prevailed.

The Chair laid before the Senate, on third reading,

House bill No. 2, "An Act to amend Article 2439a, Chapter 41, Title XLV, of the Revised Civil Statutes of Texas, relating to fees of office charged and collected by certain State officers, as amended by Chapter 91 of the General Laws, Regular Session of the Twenty-ninth Legislature of Texas, and adding thereto Article 2439a, prohibiting the approval or payment of any account or claim to any official who refuses or fails to take out his commission, and declaring an emergency."

Senator Looney offered the following amendment:

Amend the bill by striking out of Section 1, amending Article 2439 the following: "Provided a foreign corporation shall only be required to pay on such proportion of its capital as is employed within this State. The Secretary of State shall adopt such methods of ascertaining the amount of capital employed within this State as may be prescribed by the Attorney General of the State."

The amendment was adopted by the following vote:

Yeas—23.

Alexander.	Chambers.
Barrett.	Cunningham.

Faust.	Meachum.
Green.	Murray.
Griggs.	Paulus.
Grinnan.	Skinner.
Harbison.	Stone.
Hudspeth.	Terrell.
Kellie.	Veale.
Looney.	Watson.
Masterson.	Willacy.
Mayfield.	

Nay—1.

Senter.

Absent.

Brachfield.	Harper.
Glasscock.	Smith.
Greer.	Stokes.

Absent—Excused.

Holsey.

The bill was read third time, and passed by the following vote:

Yeas—21.

Alexander.	Looney.
Barrett.	Mayfield.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Green.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Watson.
Hudspeth.	Willacy.
Kellie.	

Nays—2.

Masterson. Senter.

Absent.

Brachfield.	Meachum.
Glasscock.	Smith.
Greer.	Stokes.
Harper.	

Absent—Excused.

Holsey.

Senator Looney moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

## LETTER OF THANKS.

Senator Looney offered the following, which was read to the Senate:

Austin, Texas, May 11, 1907.

To the Legislative Bodies:

The Board of Directors of the Texas

Division, United Daughters of the Confederacy, and the Board of Trustees of the Confederate Woman's Home, now in joint session in the Daughters of the Confederacy room in our State capitol, desire to express their genuine appreciation to our Honorable Legislative bodies, the Senate and the House, for the amendment to the Constitution which will enable the State of Texas to control our Home for Confederate Women, now in erection in Austin, Texas, for which the Daughters of the Confederacy of this State have so earnestly worked.

We extend a greeting to our lawmakers, believing them to be true patriots, loyal to our cause and its history, which we love so.

Trusting your success may continue.

Yours very sincerely,

KATIE DAFFON,

For Directors and Trustees M. D. C.

## RECESS.

On motion of Senator Kellie the Senate at 1 o'clock recessed until 2:30 o'clock today.

## AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

## SIMPLE RESOLUTION.

By Senator Terrell:

Whereas, The following named gentlemen, towit: Harry M. Johnston, Houston Post and Fort Worth Record; W. M. Spence, El Paso Herald; Jack Fernandez, Dallas Times-Herald; George Mendell, Houston Chronicle; Charles Norton, Austin Statesman; Glen Prier, San Antonio Express; Alonzo Wasson, Galveston-Dallas News; J. H. Quarles, Houston Post, and William M. Thornton, Galveston-Dallas News, have constituted the newspaper corps of the First Called Session of the Thirtieth Legislature; therefore, be it

Resolved, That we hereby tender to these honorable gentlemen our sincerest thanks for their impartiality and high-toned reportorial work and our cordial appreciation of their well-performed duties, and that a copy of this resolution be spread upon the Journal.

The resolution was read and adopted.

## SEVENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the  
Senate:

Sir: I am directed by the House to  
inform the Senate that the House has  
adopted the report of the Free Confer-  
ence Committee on Senate bill No. 4 by  
the following vote: Yeas, 60; nays, 35.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## SIMPLE RESOLUTION.

By Senator Smith:

Resolved, That two hundred and fifty  
volumes of the Senate Journal of the  
Regular Session, together with the  
Senate Journal of the First Called Ses-  
sion of the Thirtieth Legislature, when  
completed and printed, be bound in one  
volume in full law sheep, and that one  
volume each thus bound be transmitted  
by the Secretary of State to each mem-  
ber of the Senate, and to each member  
of the House of Representatives, and to  
each officer of the Senate, and the sum  
of one hundred dollars or so much of  
said amount as may be necessary is  
hereby appropriated out of the contin-  
gent expense fund of the First Called  
Session of the Thirtieth Legislature to  
cover the expense of postage and express  
on said Journals, and the same shall be  
paid by warrant drawn by the Comp-  
troller upon the presentation of the  
account properly certified to by the Sec-  
retary of State.

The resolution was read and adopted.

FREE CONFERENCE COMMITTEE  
REPORT.

By Senator Senter as a privileged  
matter:

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the  
Senate, and Hon. Thos. B. Love, Speak-  
er of the House of Representatives.

Sirs: Your Free Conference Commit-  
tee, to whom was referred Senate Com-  
mittee Substitute bill Nos. 41 and 43,  
have considered said bill and beg leave  
to report that we have agreed on the  
following report:

S. C. S. B. Nos. 41 and 43.

## A BILL

To Be Entitled

An Act to create a State Text Board  
and to procure for use in the public  
free schools of the State of Texas for  
a period of five years, beginning Sep-  
tember 1, 1908, a series of uniform  
text books, defining the duties of cer-  
tain officers therein named, making  
appropriation therefor, defining cer-  
tain misdemeanors, providing for a  
bond for the faithful performance of  
contracts and to cover liquidated dam-  
ages for fraud or collusion, and au-  
thorizing the Attorney General to  
bring suit therefor, and providing pen-  
alties for violation of the provisions of  
this act, and declaring an emergency.

Be it enacted by the Legislature of the  
State of Texas:

Section 1. The Governor of this State  
shall, at such time after this act takes  
effect, as will in his opinion best insure  
the proper accomplishment of its pur-  
poses, and not later than January 1,  
1908, appoint five teachers holding first  
grade or permanent certificates who  
have been actively engaged in teaching  
in the public schools of the State for  
the past three years, one of whom shall  
be a primary teacher of recognized abil-  
ity, who, together with the Governor and  
the State Superintendent of Public In-  
struction, shall constitute the said Text  
Book Board, of which the Governor shall  
be chairman, and said Board shall, when  
called together by the Governor for that  
purpose, select and adopt text books for  
use in the public schools in this State  
for a period of five years, beginning Sep-  
tember 1, 1908. Said board is hereby  
authorized and required to select and  
adopt a uniform system of text books  
to be used in the public free schools of  
Texas, and the series so selected shall  
include and be limited to text books on  
the following subjects: Spelling, a graded  
series of reading books, a course in lan-  
guage lessons, grammar, elementary  
English, composition, geography, arith-  
metic, mental arithmetic, elementary  
physiology and hygiene, civil govern-  
ment, elementary algebra, physical geog-  
raphy, history of the United States, in  
which the construction placed on the  
Federal Constitution by the Fathers of  
the Confederacy shall be fairly pre-  
sented, history of Texas, elementary  
agriculture and a graded system of writ-  
ing books, provided that none of the  
said text books shall contain anything

of a partisan or sectarian character, and that nothing in this act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin or Greek in any of the public schools as a branch of study, but the teaching of one or more of these languages shall not interfere with the use of the text books herein prescribed, and the study of a language known as a dead language, such as Latin and Greek, shall never be made compulsory as a requirement for the completion of any regular course of study in use in any public school in this State, without providing an equivalent course for graduation, equal in all respects to such course, containing such dead language or languages, which shall not include the same; provided, however, that nothing herein shall be construed to prevent the use of supplementary books, and the Text Book Board shall adopt a series of supplementary reading books for the first, second and third grades, and each bidder presenting books for adoption shall state at what price the readers are offered as basic readers and as supplementary readers, but such supplementary books other than those adopted by the State shall not be used unless approved by the trustees of such school as to price, binding, printing and general arrangement, and they shall not then be used to the exclusion of the books prescribed under the provisions of this act. But full use must be made in good faith of the books adopted under this act; provided that when supplementary books are used other than those adopted by the State, they shall be furnished at prices to be fixed by the trustees of the school in which they are used, and if any teacher or trustee shall knowingly and directly or indirectly receive from any pupil a greater price therefor, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than one hundred dollars; provided that no trustee or teacher shall ever receive any commission or rebate on any book used in the schools with which he is connected as such trustee or teacher, and if such trustee or teacher shall accept or receive any such commission or rebate he shall be subject to the penalty above provided; provided, the State Board of Education shall be empowered, at its discretion, to authorize the school authorities of any city acting under a special charter to retain in use any book or books now in use in the public schools of said city, upon application therefor to said board by said authorities, supported by proof satisfactory

to the board that the change therein would not, considering the general result, save expense to the patrons of the schools of said city, and in the event said board should grant such authority or shall specify the books which are thus permitted to be retained in use and the prices to be paid therefor, and in the event any change shall be made therein, either in such books or the prices thus fixed, such authority shall be thereby revoked. No such authority shall be given, however, unless the publishers of the books in use or proposed to be used in any such city shall agree in writing to receive, during the term of the contract entered into under the provisions of this act, in exchange for such books any of the books adopted by the Text Book Board herein provided for under regulations and at prices to be fixed by the State Board of Education; provided, that any book or books retained in use in the public schools of cities acting under special charters shall be furnished to the pupil at a price as low as the price of like books contracted for by said board.

Sec. 2. The text books shall be selected after a careful examination and consideration of all the books presented, and the books selected shall be those which in the opinion of the board are most acceptable for use in the schools, quality, mechanical construction, paper print, price, authorship, and any other relevant matter being given such weight in making its decision as the board may deem advisable.

Sec. 3. The Governor shall for thirty days and in such manner as he may deem best, advertise that, at the time and place fixed in said notice, and not later than February 1, 1908, sealed bids will be received. Each bid shall state specifically at what price each book will be furnished, and shall be accompanied with specimen copies of each and all books offered, and it shall be required that each bidder deposit with the Treasurer of the State of Texas such sum of money as the board may require, not less than five hundred dollars nor more than two thousand five hundred dollars, according to the value of the books each bidder may propose to supply. Such deposits shall be forfeited to the State absolutely if such bidder so depositing shall fail to make and execute such contract and bond as are herein required within such time as the board may require, which time shall be specified in the notice advertised; and it shall be further required of all publishers submitting bids to the board for its consideration that they file with the Secretary

of State an affidavit that no member of the board is in any manner interested, directly or indirectly, in any firm or corporation submitting books for adoption. If the fact should be disclosed that any member of the board is so interested, it shall work a disqualification of such member of the board, and he shall not be permitted to serve on the board created under the provisions of this act; or if it should further appear or be disclosed that any member of the board is interested in any book or series of books as the author or associate author, or that any such member of such board is related directly or indirectly to any person who is author or associate author of, or in any way pecuniarily interested in any book or series of books offered for adoption for use in the public schools of this State, or that any member of the board is interested in any such books or series of books in any manner, such fact shall likewise work a disqualification of such member, and he shall not be permitted to serve upon the board. And each member of the board, except the Governor, after a called session of the board, at which any books are adopted, shall make and file with the Secretary of State an affidavit that he is not, and has not been, directly or indirectly, interested in or related to any publishing house, person, firm or corporation submitting any books for adoption, or in any books offered for adoption, nor is he related to any person or agent representing such house, person, firm or corporation, and that he will not become so interested, and will not accept any position as agent or representative of any person, firm or corporation to whom any contract may be awarded by said board during the term and duration of said contract, and that he is not related to any person or agent representing such house, firm or corporation.

Sec. 4. Any vacancy occurring upon the board from any cause shall be filled by appointment by the Governor. All bids shall be sealed and deposited with the Governor of the State to be by him delivered to the board in session for the purpose of considering same, provided that the Text Book Board shall not consider a bid of any publisher of school books who has on or before June 1, 1907, failed to pay the tax due and payable under Chapter 148, Acts of the Twenty-ninth Legislature. All bids shall be opened in the presence of the board. When any person has been awarded a contract and he has filed his bond and contract with the board, it shall make an order on the Treasurer of the State,

reciting such fact, and thereupon the Treasurer shall return the deposit of such bidder, but if any successful bidder shall fail to make and execute the contract and bond as hereinbefore provided, the Treasurer shall place the deposit of said bidder in the State Treasury to the credit of the available school fund, and the board shall readvertise for other bids to supply such books which the said bidder may have failed to supply. All unsuccessful bidders shall have their deposits returned to them as soon as the board has decided not to accept their bids. All books adopted by the board shall be printed in English. The board shall stipulate in the contract that where a change shall have been made from the books now in use the contractor or contractors shall take in exchange the respective books at present adopted by the State, or by any city having a population in excess of ten thousand, in part payment for the new books, and all bidders under this act shall state what allowance they will make for the said respective books, adopted by the State, or by any city having a population in excess of ten thousand, now in the hands of the patrons of the public schools, when offered in exchange for the new books adopted under this act; provided that said allowance and condition for the exchange of the old books shall be in force during the scholastic year beginning September 1, 1908; provided also that no book shall be taken in exchange that was not in use in the public schools during 1907-1908, or which was not purchased by book dealers for the session of 1907-1908. The bidder or bidders to whom any contract may have been awarded shall make and execute a good and sufficient bond, payable to the State of Texas, and in the sum of not less than ten thousand dollars, to be approved by the Governor; such bond to be conditioned that the contractor or contractors shall faithfully perform all the conditions of the contract. The contract and bond shall be prepared by the Attorney General and shall be made to conform with all the requirements of this act, and shall be payable in Travis county, Texas, which shall be deposited in the office of the Secretary of State. The bond shall not be exhausted by a single recovery thereon, but may be sued upon from time to time until the full amount thereof is recovered, and the board may at any time after twenty days' notice require a new bond to be given, and in the event the contractor or contractors shall fail to furnish such new bond the contract of such contractor or contract-

ors may at the option of the board be forfeited.

Sec. 5. It shall be the duty of the board to meet at the time and place mentioned in the notice and advertisement, and shall adopt such rules and regulations as may be necessary to the transaction of its business, not contrary to the provisions of this act, and shall then and there open and examine the sealed proposals received, and it shall be the duty of the board to make a full and complete investigation of all the books and bids accompanying the same. The literary merits of the books shall be the main point to be considered in their adoption. The board shall proceed without delay to adopt for use in the public schools of this State text books on the branches hereinbefore mentioned, and shall notify the publishers to whom contracts are awarded. Each contract shall be duly signed by the publishing house or its authorized officers and agents, and if it is found to be in accordance with the award and all the provisions of this act, and if the bond herein required is presented and duly approved the board shall approve said contract and order it to be signed on behalf of the State by the Governor in his capacity as chairman. All contracts shall be made in duplicate. One copy to remain in the custody of the Secretary of State and to be copied in full in the minutes of the meeting of the board in a well bound book, and the other copy to be delivered to the company or its agent. The contract price of each book shall be plainly printed on the back of each book, together with the following notice: "The prices marked hereon are fixed by the State, and any deviation therefrom should be reported to the State Superintendent at Austin, Texas." The board shall not in any case contract with any publisher for any book or books to be used in the public schools of this State at a price in excess of the lowest price at which said publisher or publishers furnish and distribute the same book or books under contract with any other State, county or school district in the United States; provided that no book or books shall be purchased from any person, firm or corporation who is a member of or connected with any trust. Before proceeding to adopt books as provided for under the provisions of this act the Text Book Board shall require all corporations bidding for a contract under the provisions of this act to file with the Governor a sworn statement on or before the day selected by the board for receiving sealed bids, stating whether

said corporation is interested or whether any individual stockholder is interested or acting as director, trustee or stockholder, either directly or through any third party, in any manner whatsoever, in any other publishing house; and this statement shall be sworn to by the president, secretary and each one of the directors of said corporations. And all firms or persons bidding for a contract under the provisions of this act shall present a sworn statement signed by all its members showing the names of all members of said firm; whether any other person, firm or corporation has any financial interest in said firm; 'also, whether any individual member or members of said firm have any financial interest in any other publisher, publishing firm or corporation of publishers. Provided further, that the Text Book Board shall require all corporations, persons or firms to file with the Governor attested copies of all written agreements entered into and existing between them and others engaged in the publishing business. And if, in the opinion of the Text Book Board, such written agreements and other facts adduced are violations of the anti-trust law of the State of Texas, and opposed to public policy, the bids of such houses shall not be considered by said board.

Sec. 6. It shall be part of the terms and conditions of every contract made in pursuance of this act that the State of Texas shall not be liable to any contractor thereunder for any sum whatever, but all such contractors shall receive compensation solely and exclusively from the proceeds of the sale of books as provided in this act; and it is hereby provided that the State shall have the right to terminate said contract whenever the law is repealed or amended, altered or qualified, as to make necessary or expedient that such contract should be revoked and all contracts shall contain a stipulation to that effect. The State may at its election cancel any contract entered into by virtue of the provisions of this act for fraud or collusion upon the part of either party to the contract, or any member of the board, or any person, firm, corporation or their agents making said bond or contract, and for the cancellation of any such contract the Attorney General is hereby authorized to bring suit in the proper court of Travis county, and in case of the cancellation of any contracts as provided for, the damages are fixed at not less than the amount of said bond, to be recovered as liquidated damages in the same suit cancelling said contract; and

on account of the difficulty of determining the damage that might accrue by reason of such fraud and cancellation of such contract, the full amount of the bond given by any contractor shall be considered as liquidated damages to be recovered out of said bond by the State at the suit of the Attorney General, and every contract shall contain a clause to this effect.

Sec. 7. As soon as the State shall have entered into the contracts for the furnishing of books for use in the public schools in this State under the provisions of this act it shall be the duty of the Governor to issue his proclamation of such fact to the people of the State, and the State Superintendent of Public Instruction shall carefully label and file away the copies of the books adopted as furnished for examination to the board, and such copies of said books be securely kept and the standard of quality and mechanical excellence be maintained in said books during the continuance of the contract.

Sec. 8. The party with whom the contract has been made shall establish and maintain in some city in this State a depository where a stock of their goods to supply all immediate demands shall be kept, all contractors not maintaining their own individual or separate State agencies or depositories shall maintain a joint State agency or depository to be located at some convenient and suitable distributing point, at which general depository each contractor joining in said joint agency shall keep on hand a sufficient stock of books to supply sub-depositories and every contractor shall establish and maintain in every county in the State having an enrollment of five hundred pupils or more in the public schools, as shown in the last preceding report to the county superintendent on file in the office of the State Superintendent of Public Instruction, one or more agencies, one of which shall be at the county seat. At each county seat, as above provided, and in every city in this State, containing 1000 inhabitants or over, there shall be maintained an agency carrying a sufficient stock of all books contracted for to supply all immediate demands.

Provided that in counties not entitled to a depository under the conditions as provided for in this act contractors shall supply such adopted books under such rules and regulations as may be prescribed by the State Board of Education.

Any person, dealer or school board in any county in the State may order from the central agency and the books so or-

dered shall be furnished at the same rates and discount as are granted the agents at the county seat; provided, that the price of the books so ordered be paid in advance. Upon failure of any contractor under the provisions of this act to furnish the books as provided in the contract, and in this act the county judge wherein such books have not been so furnished shall report the fact to the Attorney General, and shall bring suit on account of such failure in the name of the State of Texas, in the district court of Travis county, and recover on the bond given by such contractor for the full value of the books not furnished as required; and in addition thereto the sum of one hundred dollars (\$100) and the amounts so recovered shall be placed to the credit of the available school fund of the State. Unorganized counties shall be furnished from the same agency as the county to which said unorganized county is attached for judicial purposes in the same manner as such organized county.

Sec. 9. As soon as practicable after the adoption of the text book provided for in this act, the Superintendent of Public Instruction shall address a circular letter to the county superintendents and the presidents of school boards in independent districts, which circular letter shall contain a list of the books adopted, with their respective prices, together with such other information as he may deem advisable.

Sec. 10. The books adopted by the board under the provisions of this act shall be introduced and used as text books to the exclusion of all others in the public free schools of this State, for a period covering five scholastic years, beginning September 1, 1908, provided nothing in this act shall be construed to prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way in the event that no contracts are made, or in the event that the contractor fails or refuses to furnish the books provided for in this act at the time that said books are required for use in the schools.

Sec. 11. Any school trustee who shall prevent or aid in preventing the use, in any public school in this State, of the books, or any of them, as adopted under the provisions of this act, or any teacher in the State who shall wilfully fail or refuse to use the books adopted under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars nor more than fifty dollars for each offense, and each day



of such wilful failure or refusal by said teacher or wilful prevention of the use of the books by said school trustee shall constitute a separate offense.

Sec. 12. The sum of one thousand dollars or so much thereof as may be necessary is hereby appropriated out of the general revenue of this State not otherwise appropriated for the purpose of paying the cost and expense of putting into effect the provisions of this act; provided, that the teachers selected under the provisions of this act shall receive as compensation for their services the sum of five dollars per day while on duty and actual traveling expenses in going to and returning from the place of meeting, to be paid upon warrants drawn by the Comptroller under the direction and approval of the Governor.

Sec. 13. Any person, firm or corporation with whom a contract has been entered into under the provisions of this act, shall designate the Secretary of the State of Texas as its or their agent upon whom citation and all other writs and process may be served in the event any suit shall be brought against such person, firm or corporation.

Sec. 14. The fact that there is no law in this State to authorize the selection of text books for the public schools in this State, and the present contract for text books will shortly expire, creates an emergency and an imperative public necessity requiring the constitutional rule for bills to be read on three several days be suspended, and it is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

MURRAY,  
BRACHFIELD,  
SENER,  
STONE,

On part of the Senate.

GAFFORD,  
BRIGGS,  
TERRELL of Cherokee,  
ALDERDICE,  
WILMETH,

On part of the House.

On motion of Senator Senter, the above report was read and adopted.

#### SIMPLE RESOLUTION.

By Senator Alexander:

Resolved, That the remarks of the Senator from San Patricio and the Senator from Ellis in nominating a President Pro Tempore, and the remarks of the Senator from Hunt in accepting the nomination be printed in the Journal.

The resolution was read and adopted.

(Note—The speeches of the gentlemen above named were not furnished the Journal Clerk, hence they are not given here.)

#### EIGHTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House recedes from its amendments to Senate bill No. 2.

Grants the request of the Senate for a free conference committee on Senate Bill No. 55, and the following has been appointed on part of the House: Messrs. Wolfe, Dean, Davis of Brazos, Gilmore and Lively.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### CONFERENCE COMMITTEE REPORT —ADOPTION OF.

By Senator Looney:

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate, and Hon. T. B. Love, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred

Senate bill No. 55, A bill to be entitled "An Act to amend an act passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a board to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State,' providing that said board shall also calculate the ad valorem rate of taxes for public free school purposes, and also authorizing the commissioners court of the several counties of this State to calculate the rate and to adjust the taxes levied in the several counties or portions thereof for general or special purposes to the taxable values as shown on the assessment rolls,"

Have had the same under consideration, and beg to report that we have adjusted the differences existing between the two houses, and beg leave to report that the House recedes from a portion of its amendment adopted as Section 5 to the bill, and agrees that the language "and special" be stricken therefrom, and with this language eliminated, the Sen-

ate agrees to the House amendments in all other respects.

SKINNER,  
BARRETT,  
WILLACY,  
LOONEY.

On part of the Senate.  
WOLFE,  
LIVELY,  
KING,  
GLIMORE,  
DAVIS of Brazos,  
On part of the House.

On motion of Senator Looney, the above report was adopted by the following vote:

Yeas—15.

Alexander.	Skinner.
Chambers.	Stokes.
Cunningham.	Stone.
Faust.	Terrell.
Kellie.	Veale.
Looney.	Watson.
Masterson.	Willacy.
Meachum.	

Nays—6.

Green.	Hudspeth.
Grinnan.	Senter.
Harper.	Smith.

Absent.

Barrett.	Harbison.
Brachfield.	Mayfield.
Glasscock.	Murray.
Greer.	Paulus.
Griggs.	

Absent—Excused.

Holsey.

Senator Looney moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

#### NINTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered the vote by which report of Free Conference Committee on Senate bill No. 4 was adopted and referred the report back to the committee for correction.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### TENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to House bill No. 2; also concurs in Senate amendments to House bill No. 76 by the following vote: yeas, 90; nay, 1.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### ELEVENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Conference Committee on House bill No. 55 by the following vote: yeas, 90, nays, 22.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### TWELFTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has discharged its Free Conference Committees on House bills Nos. 13 and 67 and concurs in Senate amendments thereto.

Also adopted the Free Conference Committee report on House bill No. 7 by the following vote: yeas, 91; nays, 0.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### COMMITTEE DISCHARGED.

Senator Murray here offered the following:

Free Conference Committee on House bill No. 67 report that they fail to agree, and the Senate committee asks to be discharged.

MURRAY, Chairman.

The report was adopted.

#### THIRTEENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House recedes from its amendments to Senate bill No. 48.

Also adopted the report of the Free Conference Committee on Committee Substitute Senate bill Nos. 41 and 43.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### COMMITTEE DISCHARGED.

Here Senator Glasscock moved that the Conference Committee on Senate bill No. 48, on part of the Senate, be discharged.

#### RECESS.

On motion of Senator Stone, the Senate, at 6:30 o'clock p. m., recessed until 8 o'clock tonight.

#### AFTER RECESS.

(Night Session.)

The Senate was called to order by Lieutenant Governor Davidson.

#### FOURTEENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on Senate bill No. 4.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### FREE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 4 ADOPTED.

By Senator Willacy:

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate, and Hon. Thos. B. Love, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred House bill No. 4, have had the same under consideration, and beg to recommend that it do not pass, but that the following Free Conference Committee substitute bill do pass in lieu thereof:

C. S. for H. B. No. 4. By Kennedy et al.

#### A BILL

#### To Be Entitled

An Act providing for the levy and collection of an occupation tax upon individuals, companies, corporations and associations pursuing any of the occupations, viz.: Express companies, telegraph and wireless telegraph; gas, electric light, electric power or water works, or water and light plant business; collecting agency business; commercial agency business; commercial reporting credit agency business; business of foreign corporations owning stock cars, refrigerator and fruit cars, tank cars, coal cars, furniture cars, common box and flat cars, and leasing, renting or charging mileage for the use of such cars within the State of Texas; business of owning, operating, leasing or renting pipe line or pipe lines; sleeping car, palace car, dining car business; life insurance business, fire insurance business, fire and marine insurance business, marine, marine and inland insurance company business, life and accident, life and health, accident, credit, title, steam boiler, live stock and casualty insurance business, surety and guaranty insurance company business; business of wholesale dealers in coal oil, naphtha, benzine and other mineral oils refined from petroleum, and defining wholesale dealers; wholesale distributors or wholesale dealers in spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, and defining wholesale distributors and dealers; the business of street railway companies, the business of interurban, trolley, traction or electric street railway companies, the business of wholesale and retail dealing in pistols; the business of owning or operating or controlling a telephone business; the business of publishing, printing and selling text books or law books, or either; the business of owning, controlling, managing or leasing oil wells, the business of owning, controlling, managing or operating any terminal railway company or terminal railway; and providing for the levy and collection of an occupation tax on individuals, companies, firms, corporations and associations who begin the pursuit of any such occupation taxed herein on or after the beginning date of the quarter as fixed herein; and providing for penalties

for violation of the provisions of this act; and giving the State Revenue Agent authority to assist in the enforcement of the provisions of this act; and repealing all laws and parts of laws in conflict herewith. And to exempt all persons, associations of persons, firms and corporations upon whose business an occupation tax is herein levied from the operation of the act, approved April 17, 1905, of the Twenty-ninth Legislature, being Chapter 146 thereof, providing for the taxation of the intangible assets of certain corporations, associations and individuals, and to repeal all sections of the act approved April 17, 1905, of the Twenty-ninth Legislature, being Chapter 148 thereof, imposing an occupation tax upon the occupations herein taxed, preserving all liabilities, obligations and penalties incurred or fixed under Chapter 148, Acts Twenty-ninth Legislature, approved April 17, 1905, and all causes of action and suits arising thereunder, and to declare an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Each and every individual, company, corporation or association doing an express business by railroad or water, in this State, shall, on or before the 1st day of March, 1908, and annually thereafter, make a report to the Comptroller of Public Accounts under oath, of the individual, or of the president, treasurer or superintendent of such company, corporation or association, showing the amount of gross receipts from charges and freights within this State paid to or collected by such individual, company, corporation or association on account of money, goods, merchandise, or other character of freight carried within this State during the twelve months next preceding. Said individuals, companies, corporations or associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the year beginning on said date, equal to two and one-half per cent of said gross receipts as shown by said report.

Sec. 2. Each and every individual, company, corporation or association owning, operating, controlling or managing any telegraph lines in this State, or owning, operating, controlling or managing what is known as wireless telegraph stations, for the transmission of messages, or aerograms, and charging for the transmission of such messages,

or aerograms, shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts under oath of the individual, or of the president, treasurer or superintendent of such company, corporation or association, showing the gross amount received from all businesses within this State during the preceding quarter in the payment of telegraphic or aerogram charges, including the amount received on full rate messages and aerograms, and half rate messages and aerograms, and from the lease or use of any wires or equipment within the State during said quarter. Said individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to two and three-fourths per cent of said gross receipts, as shown by said report.

Sec. 3. Each and every individual, company, corporation or association, owning, operating or managing or controlling any gas, electric light, electric power or water works or water and light plant, within this State, and charging for gas, electric lights, electric power or water, shall on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts under oath of the individual, or of the president, treasurer or superintendent of such company, corporation or association, showing the gross amount received from the business done within this State in the payment of charges for gas, electric lights, electric power and water for the quarter next preceding. Said individual, company, corporation or association, at the time of making said report for any town or city of ten thousand inhabitants and less than twenty-five thousand inhabitants, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date, equal to one-fourth of one per cent of said gross receipts, as shown by said report; and for any town or city of twenty-five thousand inhabitants or more, the said individual, company, corporation or association, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date, an amount equal to one-half of one per cent of said gross receipts, as shown by said report. Provided, that nothing herein shall apply to any gas, electric light, electric power or water works, or water and

light plant within this State, owned by any city or town.

Sec. 4. Each and every individual, company, corporation or association, owning, operating, managing or controlling any collecting agency, commercial agency, or commercial reporting credit agency within this State, and charging for collections made, or business done or reports made, shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer or superintendent of such company, corporation or association, showing from business done within this State the gross amount received in the payment of charges for collections made and business done and reports made during the quarter next preceding. Such individual, companies, corporations or associations at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to one-half of one per cent of said gross receipts, as shown by said report.

Sec. 5. Each and every individual, company, corporation or association, residing without the State of Texas, or incorporated under the laws of any other State or Territory, or nation, and owning stock cars, refrigerator and fruit cars of any kind, tank cars of any kind, coal cars of any kind, furniture cars or common box cars and flat cars, and leasing, renting or charging mileage for the use of such cars within the State of Texas shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts under oath of the individual, or of the president, treasurer or superintendent of such company, corporation or association, showing the amount of gross receipts from such rentals, or mileage, or from other sources of revenue received from business done within this State, during the quarter next preceding. Said individuals, companies and corporations and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to three per cent of said gross receipts, as shown by said report.

Sec. 6. Each and every individual, company, corporation or association, whether incorporated under the laws of this State or of any other State or Territory, or of the United States, or of any foreign nation, which

owns, manages, operates, leases or rents any pipe line or pipe lines within this State, whether such pipe line or pipe lines be used for the transmission of oil, natural or artificial gas, whether such oil or gas be for illuminating or fuel purposes, or for steam, for heat or power, or for any other purpose, and whether such pipe line or pipe lines be used for the transmission of articles by pneumatic or other power, shall, on or before the first day of July, 1907, and quarterly thereafter, pay to the State of Texas an occupation tax equal to two per cent of its gross receipts if such pipe line or pipe lines lie wholly within this State; and if such pipe line or pipe lines lie partly within and partly without the State, such individuals, companies, corporations and associations shall pay a tax equal to two per cent of such proportion of its gross receipts, as the length of such line or lines within the State bears to the whole length of such line or lines; provided, that if satisfactory evidence is submitted to the Comptroller of Public Accounts at any time prior to the date fixed by this section for the payment of the tax herein imposed, that any other proportion more fairly represents the proportion which the gross receipts of any pipe line or pipe lines for any quarter, within this State, bears to its total gross receipts, it shall be his duty to collect for such quarter from every such pipe line or pipe lines a tax equal to such other proportion of two per cent of its total gross receipts.

For the purpose of determining the amount of such tax, the individual, or the president, treasurer or superintendent of such company, association or corporation, shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer or superintendent of such company, corporation or association, showing the gross receipts of such pipe line or pipe lines from every source whatsoever, for the quarter next preceding, and shall immediately pay to the State Treasurer an occupation tax for the quarter beginning on said date, calculated on the gross receipts so reported.

Sec. 7. Every sleeping car company, palace car company or dining car company, doing business in this State, and each individual, company, corporation or association leasing or renting, owning, controlling or managing any palace cars, dining cars or sleeping cars within

this State for the use of the public, for which any fare is charged, shall, on or before the first day of July, 1907, and quarterly thereafter, report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer or superintendent of such company, corporation or association, showing the amount of gross receipts earned from any and all sources whatever within this State, except from receipts derived from buffet service, during the quarter next preceding. Said individuals, companies, corporations and associations at the time of making said report shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to five per cent of said gross receipts, as shown by said report.

The tax herein provided for shall be in lieu of all other taxes now levied upon sleeping car, palace car or dining car companies, except the tax of 25 cents on the one hundred dollars of the capital stock of such car companies, as provided by the act of the Twenty-third Legislature, Chapter 102.

Sec. 8. Every life, fire, fire and marine, marine, and marine inland insurance company, and every life and accident, life and health, accident, credit, title, steam boiler, live stock, fidelity, guaranty, surety and casualty company and all other insurance companies doing business in this State, except fraternal life and domestic benevolent life insurance companies, at the time of filing its annual statement, shall report to the Commissioner of Insurance and Banking the gross amount of premiums received in the State, upon property located in the State, and from persons residing in this State, during the preceding year, and each of such companies shall pay an annual tax upon such gross premium receipts as follows: Each life insurance company shall pay a tax of three per cent of such gross premiums; all other companies enumerated above shall pay a tax of two per cent of such gross premiums; provided, that any company doing life insurance business in connection with any other class of insurance enumerated shall pay the same tax upon the gross receipts from life insurance of a company conducting a purely life insurance business; and the gross premium receipts are understood to be a premium receipt reported to the Commissioner of Insurance and Banking by the insurance companies upon the sworn statement of two principal officers of such companies.

Upon receipt by him of sworn statements showing the gross premium receipts by such companies, the Commissioner shall certify to the State Treasurer the amount of taxes due by each company, which tax shall be paid to the State Treasurer for the use of the State, on or before the first of March following, whose receipt shall be evidence of the payment of such taxes, and no insurance company shall receive a permit to do business in this State until such taxes are paid. But any life insurance company that shall comply with the terms and provisions of the Act passed by the Regular Session of the Thirtieth Legislature of this State, approved April 24, 1907, requiring the investment and deposit of 75 per cent of the reserve apportioned on account of policies of insurance written upon the lives of citizens of this State, shall pay an annual tax of one per cent upon its gross receipts so long as said investments and deposits are made as provided in said Act. And that if any such insurance company shall have as much as one-fourth of its entire assets, as shown by said sworn statement, invested in any or all of the following securities: Real estate in the State of Texas, bonds of this State or of any county, incorporated city or town of this State, or other property in this State in which by law such companies may invest their funds, then the annual tax of any such companies shall be 1 per cent of its said gross premium receipts; and if any such company shall invest as aforesaid as much as one-half of its assets, then the annual tax of such company shall be one-half of one per cent of its gross premium receipts, as above defined; and provided further, that no occupation tax shall be levied on insurance companies herein subjected to a gross premium receipt tax by any county, city or town. Provided also, that all mutual fraternal benevolent associations, now or hereafter doing a life insurance or a life and accident insurance business in this State under the lodge system and on the assessment plan, whether organized under the laws of this State, or a foreign state or country, are exempt from the provisions of this section.

Any life insurance company heretofore or hereafter engaged in writing policies upon the lives of citizens of this State that shall cease writing such policies of insurance but shall continue to be engaged in collecting premiums or renewal premiums upon such policies

shall report under oath annually, as provided above, to the said Commissioner of Insurance of this State the gross amount of premiums so collected, and shall pay to the State thereon the three (3) per cent gross receipts tax above provided for. And any such life insurance company shall constitute and appoint the said Commissioner of Insurance of this State its duly authorized agent and attorney in fact for the purpose of accepting service for it or being served with citation in any suit brought against it in any court of this State in like manner as is provided by law for companies engaged in doing every character of insurance business in this State; and such appointment and agency shall be continued and kept in force so long as such company continues to collect premiums of insurance from citizens of this State; and failure to make such report and pay such tax or to make and keep up the appointment of the agency as herein provided, shall subject such company to a penalty for each year of \$5000, and in addition in a sum equal to double the amount of such tax for such year, which penalty may be recovered by the State in a suit brought in the name of the State, under the direction of the said Commissioner of Insurance, by the proper officer in the district court of Travis county.

The taxes aforesaid shall constitute all taxes and license fees collectible under the laws of this State against any such insurance companies, and no occupation or other tax shall be levied on or collected from any insurance company by any county, city or town; but this act shall not be construed to prohibit the levy and collection of State, county and municipal taxes upon the real and personal property of such companies. Provided, that this shall not relieve agents from paying an occupation tax. Provided further, that purely co-operative or mutual fire insurance companies carried on by the members thereof, solely for the protection of their own property and not for profit shall be exempt from the provisions of this bill.

Sec. 9. Each and every individual, company, corporation or association created by the laws of this State, or any other State or nation, which shall engage in his own name, or in the name of others, or in the name of its representatives, or agents, in this State in the business of wholesale dealers in coal oil, naphtha, benzine or any other mineral oils refined from petroleum, shall, on or before the first day of July, 1907,

and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer or superintendent of such company, corporation or association, showing the gross amount collected and uncollected from any and all sales made within this State of any of said articles during the quarter next preceding. Said individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to two per cent of said gross receipts and amount uncollected from said sales, as shown by said report.

A wholesale dealer within the meaning of this section is any individual, company, firm, partnership, corporation or association who buys any of the articles hereinbefore mentioned, either in his own name or in the name of others, or in the name of their representative or agent, and sells same either in his name, or in the name of others, or in the name of their representatives or agents, to any person, firm, corporation or association, to be sold again.

Sec. 10. Each and every individual, company, corporation or association owning, operating or controlling any interurban, trolley, traction or electric street railway in this State and charging for transportation on said railway shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath, of the individual or of the president, treasurer or superintendent of such company, corporation or association, showing the amount of gross receipts from said charges for transportation on said railway paid to or uncollected by said individual, company, corporation or association for the quarter next preceding. Said individual, company, corporation or association at the time of making said report, if in or if connecting any town or city of less than twenty thousand inhabitants, shall pay to the Treasurer of the State as an occupation tax for the quarter beginning on said date equal to one-half of one per cent of said gross receipts, as shown by said report; if in a city of more than twenty thousand inhabitants, said individual, company, corporation or association, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to three-

fourths of one per cent of said gross receipts, as shown by said report. Provided, that in ascertaining the population of any city or town, the same shall be ascertained by the last United States census; and provided further, that where any interurban railroad shall connect any town having a population of more than 20,000 with another of a less population, that it shall be liable for the taxes measured by the population of the largest town. Provided further, that the provisions of this act shall not apply to any street railway or traction company wholly within any town of less than ten thousand inhabitants.

Sec. 11. That each and every individual, company, corporation or association created by the laws of this State or any other State, who shall engage in his own name or in the name of others, or in the names of its representatives or agents in this State, in the business of a wholesale dealer or a wholesale distributor of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer or superintendent of such company, corporation or association, showing the gross amount collected and uncollected from any and all sales made within this State of any of said articles during the quarter next preceding. Said individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date, equal to one-half of one per cent of said gross receipts from said sales, as shown by said report.

A wholesale dealer or distributor, within the meaning of this section, is any individual, company, association or corporation selling any of the articles hereinbefore mentioned, either in his own or in the name of others, or in the name of its representatives or agents, to retail dealers, or who deliver on consignment to their agents for retail.

Sec. 12. Each and every individual, company, corporation or association created by the laws of this State, or any other State, who shall engage in his own name or in the name of others, or in the names of its representatives or agents in this State in the business of a wholesale or retail dealer of pistols

shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer or superintendent of said company, corporation or association, showing the gross amount collected and uncollected from any and all sales made within this State of all firearms during the quarter next preceding. Such individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date, equal to 50 per cent of said gross receipts from sales of all firearms shown by said report.

Sec. 13. Each and every individual, company, corporation or association, whether incorporated under the laws of this State or any other State or nation, engaged in publishing, printing and selling text books used in the schools of this State, or law books of any character, or owning, controlling or managing any such business as text book or law book publishers, within this State or out of it, and having State agencies within this State for the purpose of selling any book or books to be used in any of the schools of this State, or any law books, shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual or of the president, treasurer or superintendent of such company, corporation or association, or of the person owning, controlling or managing any such business, showing the gross amount received from such business done within this State from any and all sources during the quarter next preceding. Said individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to one per cent of said gross receipts, as shown by said report.

Sec. 14. Each and every individual, company, corporation or association owning, operating, managing or controlling any telephone line or lines, or any telephones within this State, and charging for the use of the same, shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer or superintendent of such company, corporation



or association, showing the gross amount received from all business within this State during the preceding quarter, in the payment of charges for the use of its line or lines, telephone and telephones, and from the lease or use of any wires or equipment within this State during said quarter. Said individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date, equal to one and one-half per cent of said gross receipts, as shown by said report.

Sec. 15. Each and every individual, company, corporation or association, whether incorporated under the laws of this or any other State or Territory, or of the United States, or any foreign country, which owns, controls, manages or leases any oil well within this State, shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer or superintendent of such company, corporation or association, showing the total amount of oil produced during the quarter next preceding, and the average market value thereof during said quarter. Said individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to one-half of one per cent of the total amount of all oil produced, at the average market value thereof, as shown by said report.

Sec. 16. Each and every individual, company, corporation or association, whether incorporated under the laws of this or any other State or Territory, or of the United States, or any foreign country, which owns, controls, manages or leases any terminal companies, or any railroad doing a terminal business within this State, shall, on or before the first day of July, 1907, and quarterly thereafter, make a report to the Comptroller of Public Accounts, under oath of the individual, or of the president, treasurer or superintendent of such company, corporation or association, showing the total amount of its gross receipts from all sources whatever within this State during the quarter next preceding, and the average market value thereof during said quarter. Said individuals, companies, corporations

and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to one per cent of the total amount of its gross receipts from all sources whatever, as shown by said report.

Sec. 17. If any individual, company, corporation, firm or association, in this act mentioned, shall begin and engage in any business for which there is an occupation tax herein imposed, on or after the beginning day of the quarter for which said tax is imposed, then, and in all such cases, the amount of such tax for said beginning quarter shall be and is hereby fixed at the sum of \$50, payable to the Treasurer of the State of Texas, in advance; but for the next succeeding quarter, and all other succeeding quarters, the tax shall be determined by reports to the Comptroller of Public Accounts of the business for the preceding quarter, or part thereof, as herein otherwise in this act provided, and reports and payment of such tax shall be made subject to all other provisions of this act.

Sec. 18. Any person, company, corporation or association, or any receiver or receivers, failing to make report for thirty days from the date when said report is required by this act to be made, shall forfeit and pay to the State of Texas a penalty of not exceeding \$1000.

Sec. 19. Any person, company, corporation or association or any receiver or receivers failing to pay any tax for thirty days from the date when said tax is required by this act to be paid, shall forfeit and pay to the State of Texas a penalty of ten per cent upon the amount of such tax.

Sec. 20. The penalties provided for by this act shall be recovered by the Attorney General in a suit brought by him in the name of the State of Texas, and venue and jurisdiction of such suit is hereby conferred upon the courts of Travis county, Texas.

Sec. 21. No individual, company, corporation or association, failing to pay all taxes imposed by this act shall receive a permit to do business in this State, or continue to do business in this State until the tax hereby imposed is paid. The receipt of the Treasurer of the State of Texas shall be evidence of the payment of such tax.

Sec. 22. Except as herein stated, all taxes levied by this act shall be in ad-

dition to all other taxes now levied by law; provided, that nothing herein shall be construed as authorizing any county or city to levy an occupation tax on the occupations and businesses taxed by this act.

Sec. 23. If for any reason the Comptroller of Public Accounts is not satisfied with the report from any such person, company, corporation, co-partnership or association, he may require additional or supplemental reports containing information and data upon such matters as he may need or deem necessary to ascertain the true and correct amount of all taxes due by any such person, firm or corporation.

Every statement or report required by this act shall have affixed thereto the affidavit of the president, vice president, secretary or treasurer of the person, corporation, co-partnership or association, or one of the persons or members of the partnership making the same, to the effect that the statement is true. The Comptroller shall prepare blanks to be used in making the reports required by this act.

Sec. 24. If the Comptroller has reason to believe, or does believe, that any individual, company, corporation, association, receiver or receivers, subject to the provisions of this act, has made a false return or has failed or omitted to make a full return of gross receipts, or other statement of business done, required by any of the provisions of this act, he shall report the same in writing to the Governor, and it shall be the duty of the Governor to immediately require the Revenue Agent of the State of Texas to examine any books, papers, documents, or other records or evidence showing or tending to show such unlawful act or omission. Said Revenue Agent shall check the report made with such books, papers, documents or other records or evidence, and make his report to the Comptroller, and if it appears from said report that any false or incorrect return has been made, or that any individual, or the president, treasurer or superintendent of any company, corporation or association, or any member of any firm required by this act to make reports, has failed or omitted to make a full return, as required by law, then the Comptroller shall notify such individual, or the president, treasurer or superintendent of any company, corporation or association or receiver or receivers of any company, corporation or association or any member of any

firm, to make forthwith an additional or supplemental report, and if any such individual, or the president, treasurer or superintendent of any company, corporation or association, or any member of a firm, or any receiver or receivers of any company, corporation or association making said original report, shall fail or refuse to make said additional or supplemental report he shall be guilty of a misdemeanor, and on conviction shall be fined in any sum not less than \$200 nor more than \$500, and venue of such prosecution is hereby fixed in Travis county, Texas.

If it appears from the report of the State Revenue Agent, or if the Comptroller has reason to believe, or does believe, that any individual, or any president, treasurer or superintendent of any company, corporation or association, or any receiver of any company, corporation or association, or any member of any firm, has wilfully and deliberately made a false report, the Comptroller shall report the matter to the grand jury of Travis county, Texas, for its action, and venue of any offense arising out of such transaction is hereby fixed in Travis county, Texas.

Said State Revenue Agent, in the performance and discharge of the duties imposed upon him by this section, shall have the right to examine, either by himself or by any person acting under his direction, any books, papers, documents, records or evidence which he may believe material and proper to examine.

Sec. 25. All persons, associations of persons, firms and corporations, upon whose business an occupation tax is imposed under this act, shall, upon the taking effect hereof, be exempted and relieved from the operation of the act of the Twenty-ninth Legislature, approved April 17, 1905, being Chapter 146 thereof, providing for the taxation of the intangible assets of certain corporations, associations and individuals; and all sections of the act of the Twenty-ninth Legislature, being Chapter 148 thereof, approved April 17, 1905, imposing an occupation tax upon the occupations herein taxed, are hereby repealed. But nothing in this act shall in any wise relieve any individual, company, corporation or association, or any receiver or receivers thereof, embraced within the provisions of Chapter 148, Acts of the Twenty-ninth Legislature, approved April 17, 1905, from any liability, obligation or penalty whatever, which may have been incurred or fixed under any of the provisions of said

Chapter 148; and any and all such liabilities and obligation and any and all causes of action in behalf of the State accruing out of or arising under said Chapter 148, as well as any and all suits in behalf of the State therein, shall not abate nor terminate, but shall survive and remain in full force and effect, and any and all such causes of action and any and all such suits shall be maintained and prosecuted to final determination in all respects, as though none of the provisions of said Chapter 148 had been repealed.

Sec. 26. There now being a deficit in the public revenue of the State, an imperative public necessity and an emergency exists requiring that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

WILLACY,  
SKINNER,  
GREEN,  
ALEXANDER,  
CHAMBERS,

On the part of the Senate.

KENNEDY,  
TERRELL of McLennan,  
KING,  
ADAMS,  
BASKIN,

On the part of the House.

On motion of Senator Willacy, the above report was adopted by the following vote:

Yeas—23.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Green.	Stone.
Griggs.	Terrell.
Harper.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Greer.	Senter.
Grinnan.	Stokes.
Harbison.	Veale.
Masterson.	

Absent—Excused.

Holsey.

## FREE CONFERENCE COMMITTEE REPORT.

By Senator Brachfield:

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate, and Hon. Thos. B. Love, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred

Senate bill No. 4, A bill to be entitled "An Act amending Chapter 3, Title XCIV, Articles 5123 and 5124 of the Revised Civil Statutes of the State of Texas, and adding thereto Articles 5124a, 5124b, 5124c, 5124d, 5124e, 5124f and 5124g, and providing for the listing and valuing of property for the purposes of taxation; defining duties of assessors and deputy assessors; prescribing rules for determining the value of property; prescribing rules to govern commissioners courts when sitting as a board of equalization; prescribing additional oaths to be administered to tax assessors and deputy tax assessors, county judges and county commissioners, and providing penalties for violation thereof, and declaring an emergency."

Beg leave to report that we have had the same under consideration, and that the Senate accepts all the House amendments to the same, and that we recommend the adoption of the following bill:

### A BILL

To Be Entitled

An Act amending Chapter 3, Title CIV, Articles 5123 and 5124 of the Revised Civil Statutes of the State of Texas, and adding thereto Articles 5124a, 5124b, 5124c, 5124d, 5124e, 5124f, 5124g, and providing for the listing and valuing of property for the purposes of taxation; defining duties of assessors and deputy assessors; prescribing rules for determining the value of property; prescribing rules to govern commissioners courts when sitting as a board of equalization; prescribing additional oaths to be administered to tax assessors and deputy tax assessors, county judges and county commissioners, and providing penalties for violation thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Chapter 3, Title CIV,

Articles 5123 and 5124, Revised Civil Statutes of the State of Texas, be, and the same are hereby amended so as to read as follows (and adding thereto Articles 5124a, 5124b, 5124c, 5124d, 5124e, 5124f, and Article 5124g).

Article 5123. That hereafter when any person, firm or corporation renders his, their or its property in this State for taxation to any tax assessor, and makes oath as to the kind, character, quantity and quality of such property, and the said officer accepting said rendition from such person, firm or corporation of such property, is satisfied that it is correctly and properly valued according to the reasonable cash market value of such property on the market at the time of its rendition, he shall list the same accordingly; but if the assessor is satisfied that the value is below the reasonable cash market value of such property, he shall at once place on said rendition opposite each piece of property so rendered an amount equal to the reasonable cash market value of such property at the time of its rendition, and if such property shall be found to have no market value by such officer, then at such sum as said officer shall deem the real or intrinsic value of the property; and if the person listing such property or the owner thereof is not satisfied with the value placed on the property by the assessor, he shall so notify the assessor, and if desiring so to do may make oath before the assessor that the valuation so fixed by said officer on said property is excessive, then it shall be the duty of such officer to furnish such rendition, together with his valuation thereon, and the oath of such person, firm or officer of any corporation, if any such oath has been made, to the commissioners court of the county in which said rendition was made, which court shall hear evidence and determine the true value of such property as is hereinafter provided; and in this connection it is provided that such officer or court shall take into consideration what said property could have been sold for at any time within six months next before the rendition of said property.

Art. 5124. The boards of equalization shall have power, and it is made their official duty to supervise the assessment of their respective counties, and if satisfied that the valuation of any property is not in accordance with the

laws of the State, to increase or diminish the same and to affix a proper valuation thereto, as provided for in Article 5123 of this act; and when any assessor in this State shall have furnished said court with the rendition as provided for in Article 5123 of this act, it shall be the duty of such court to call before it such persons as in its judgment may know the market value or true value of such property, as the case may be, by proper process; who shall testify under oath the character, quantity and quality of such property, as well as the value thereof. Said court, after hearing the evidence, shall fix the value of such property in accordance with the evidence so introduced, and as provided for in Article 5123 of this act; and their action in such case or cases shall be final.

Art. 5124a. If any tax assessor in this State shall fail, refuse or neglect to place upon any rendition as provided for in Article 5123 of this act the true value or market value in accordance with the method of fixing such value as provided for herein, or shall fail, refuse or neglect to return to the commissioners court such rendition, together with the oath of the owner or person listing such property for taxes, when such oath has been made, as provided for in this act, or if the assessor accepts the rendition from any person rendering property for taxation without reading to such person the oath and having it signed and sworn to as provided by law, such failure, refusal or neglect shall be deemed a malfeasance on the part of such officer, and shall be cause for his removal from office.

Art. 5124b. Every tax assessor and deputy tax assessor in this State, in addition to the oath prescribed by the Constitution of this State, shall, before entering upon the duties of his office, take and subscribe to the following oath:

"I, ....., tax assessor (or deputy tax assessor, as the case may be) in and for ..... county, Texas, do solemnly swear that I will personally view and inspect all the real estate and improvements thereon subject to taxation lying in said county that may be rendered to me for taxation by any corporation or individual, or by their agent or representative as fully as may be practicable, and that I will as

fully as is practicable view and inspect all other taxable property in said county rendered to me as aforesaid; that I will to the best of my ability make a true estimate of the cash value of such property if such property has a market value, and if it has no market value, then the real value of all such property, both the real and personal, on the first day of January next preceding, and that I will make up and attach to each assessment sheet made up and sworn to by the said property owners, their agents or representatives, a true assessment and valuation of said property, together with a memoranda of all facts which I may learn bearing upon the value of said taxable property; that I will make all possible inquiry relative to the true value of such property, and that I will attach said memoranda and statement of facts that I may ascertain as aforesaid to the said assessment sheets of the respective property owners. That I have read and understand the several provisions of the Constitution and laws of this State relative to the valuation of taxable property and that I will faithfully do and perform every duty required of me as tax assessor (or deputy tax assessor) by the Constitution and laws of this State, so help me God."

This oath shall be administered by the county clerk and shall be in duplicate; the original shall be by the clerk filed and recorded in the records of the county, and the duplicate shall be retained by the assessor or the deputy, as the case may be.

Art. 5124c. When a commissioners court in this State convenes as a board of equalization, before considering the subject of equalization of property values for the purposes of taxation, each member of the court, including the county judge, shall take and subscribe to the following oath: "I, . . . . ., a member of the board of equalization of . . . . . county, for the year A. D. . . . ., hereby solemnly swear that in the performance of my duties as a member of such board for said year, I will not vote to allow any taxable property to stand assessed on the tax rolls of said county for said year at any sum which I believe to be less than its true market value, or if it has no market value, then its real value; that I will faithfully endeavor and as a member

of said board will move to have each item of taxable property which I believe to be assessed for said year at less than its true market value, or real value, raised on the tax rolls to what I believe to be its true cash market value, if it has a market value; if not, then to its real value, and that I will faithfully endeavor to have the assessed valuation of all property subject to taxation within said county stand upon the tax rolls of said county for said year at its true cash market value, or if it has no market value, then its real value. I further solemnly swear that I have read and understand the provisions contained in the Constitution and laws of this State relative to the valuation of taxable property, and that I will faithfully perform all the duties required of me under the Constitution and laws of this State, so help me God." Said oath shall be filed and recorded in the commissioners court record as a part of the proceedings of that term of court.

Art. 5124d. If in passing upon the value of any property by a commissioners court sitting as a board of equalization in this State, the court shall fix a value upon any property for the purpose of taxation and a minority of said court do not concur in the judgment of the court, the clerk shall record in the minutes of the court the names of the members, including the county judge, who do not concur in fixing such values (if the county judge shall cast the deciding vote in such matter), and if any tax assessor or member of any commissioners court in this State shall knowingly fail or refuse to fix the value of property rendered for taxes in compliance with this act, and all other laws of this State, such failure, neglect or refusal shall constitute malfeasance in office on the part of such assessor or member or members of said court, and such failure, neglect or refusal shall be cause for his or their removal from office.

Art. 5124e. Whenever the fact is brought to the knowledge of the Attorney General of this State that any tax assessor, deputy tax assessor, county judge or member of the commissioners court has failed, refused or neglected to comply with the provisions of this act, he shall at once file suit for the removal from office of such officer or

officers thus offending. Such proceedings for the removal of such officer or officers herein provided for shall be brought in the district court of the county of such officer's residence, and such suit shall be brought by the Attorney General of the State or under his direction.

Art. 5124f. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Art. 5124g. The fact that the assessment of property for taxation in the several counties of this State is now in progress and will be completed, and that the several boards of equalization would be called to pass on the property values within the next succeeding ninety days, and the fact that the present law is inadequate for the determination of the values of property for tax purposes in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be operative from and after its passage, and it is so enacted.

MURRAY,  
BRACHFIELD,  
VEALE,  
STONE,

On part of the Senate.

O'NEAL,  
MOBLEY,  
JOHNSON,

On part of the House.

Senator Murray moved the adoption of the report, and

Senator Brachfield moved the previous question on the adoption of the report, which motion being duly seconded, was so ordered.

The report was adopted by the following vote:

Yeas—16.

Alexander.	Mayfield.
Brachfield.	Murray.
Cunningham.	Paulus.
Green.	Skinner.
Greer.	Stone.
Griggs.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.

Nays—9.

Barrett.	Glasscock.
Chambers	Harper.
Faust.	Looney.

Masterson.  
Meachum.

Smith.

Absent.

Grinnan  
Harbison.  
Senter.

Stokes.  
Veale.

Absent—Excused.

Holsey.

# FREE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 7.

By Senator Skinner:

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate, and Hon. Thos. B. Love, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed by the two houses, to whom was referred House bill No. 7, have had the same under consideration, and respectfully recommend:

1. That the following words be stricken from the caption wherever they appear: "Providing for placing upon the tax rolls of certain counties valuations and apportionments of intangible assets and properties heretofore made by said State Tax Board for the year 1906, and not heretofore placed upon the tax rolls of such counties, and for collection of taxes thereon."

2. Strike out Section 3 of the bill as originally numbered, being second section after No. 19.

3. That the Senate recede from Senate amendment No. 1.

4. That the House accept Senate amendment No. 2.

5. That the Senate recede from all amendments except those hereinbefore mentioned.

6. That the original bill be renumbered as follows:

That Section 2 where it appears the second time in the original bill be numbered No. 20.

That Section 4 where it appears the second time in the original bill be numbered No. 21.

That Section 5 where it appears the second time in the original bill be numbered No. 22.

That Section 6 where it appears the second time in the original bill be numbered No. 23.

That Section 7 where it appears the

second time in the original bill be numbered No. 2.

SKINNER,  
GREEN,  
ALEXANDER,  
WILLACY,  
CHAMBERS,  
On part of the Senate.  
KENNEDY,  
PATTON,  
ROBERTSON of Bell,  
CABLE,  
DUNCAN,  
On part of the House.

Senator Skinner moved the adoption of the report, which motion prevailed by the following vote:

Yeas—26.

Alexander.	• Kellie.
Barrett.	Looney.
Brachfield.	Masterston.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Harper.	Watson.
Hudspeth.	Willacy.

Absent.

Harbison.	Terrell.
Stokes.	Veale.

Absent—Excused.

Holsey.

#### SIMPLE RESOLUTION.

By Senator Skinner:

Whereas, Hon. W. R. Holsey, an able, faithful and highly esteemed member of this body, is at this time critically ill; therefore, be it

Resolved, That in his sickness he has our heartfelt sympathy of the membership of this Senate, and that we sincerely hope for his early recovery.

SKINNER.  
WILLACY.

The resolution was read and unan-  
imously adopted by a rising vote.

#### FIFTEENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the  
Senate.

Sir: I am directed by the House to

inform the Senate that the House has appointed the following committee under House Concurrent Resolution No. 2, Relative to the joint postoffice: Messrs. Kennedy, King and Savage of Bell.

Respectfully,

BOB BARKER,  
Chief Clerk, House of Representatives.

#### SUBSTITUTE SENATE BILL NO. 18 —FREE CONFERENCE COMMIT- TEE REPORT—ADOPTION OF.

By Senator Meachum:

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the  
Senate, and Hon. Thos. B. Love,  
Speaker of the House of Representa-  
tives.

Sirs: We, your Free Conference  
Committee, appointed to adjust the dif-  
ferences existing between the two  
houses on substitute for

Senate bill No. 18, A bill to be en-  
titled "An Act providing for the ap-  
pointment of official stenographers for  
district courts by the judges thereof in  
all districts, to report cases, and make  
the report of such stenographer when  
filed the statement of facts of all evi-  
dence, both oral and written, introduced  
in the trial of causes; to provide for  
the compensation of such stenographers,  
declaring an emergency and repealing  
Chapter 60, page 84, Acts of the Twenty-  
eighth Regular Session of the Legisla-  
ture, also Chapter 112, page 219, Acts  
of the Regular Session of the Twenty-  
ninth Legislature of the State of  
Texas."

Beg to report back the following bill  
as an adjustment of the differences:

#### A BILL

To Be Entitled

An Act providing for the appointment  
of official stenographers for district  
courts by the judges thereof to report  
cases; and providing for the method  
of making up and filing the state-  
ment of facts of all evidence intro-  
duced in the trial of causes; provid-  
ing for the time within which such  
statement of facts must be filed; and  
providing for the compensation of  
such stenographers; providing for the  
appointment of special stenographers  
in county courts, for their compensa-  
tion, and for the making and filing of  
statements of facts in civil causes  
tried in the county courts; repealing

Chapter 60, page 84, Acts of the Twenty-eighth Regular Session of the Legislature; also Chapter 112, page 219, Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, and all other laws or parts of laws in conflict with this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of preserving the records in all cases for the information of the court, jury and parties the judges of the district courts of all the judicial districts of this State, composed of only one county or of only a portion of a county, and all other district courts sitting in the same county or in districts composed of more than one county, may, when in his judgment it becomes necessary, appoint an official stenographer for such court, who shall be well skilled in stenography, and who shall be a sworn officer of the court, and who shall execute a bond, payable and conditioned as is herein provided, and shall hold his office during the pleasure of the court.

Sec. 2. Before any person can be appointed an official stenographer under the provisions of this act of any district court in this State, he shall be examined as to his competency by a committee to be composed of at least three members of the bar practicing in said court, such committee to be appointed by the judge thereof; the test of the competency of any applicant for the office of official stenographer shall be as follows: The applicant shall write in the presence of such committee at the rate of at least one hundred and twenty words per minute for five consecutive minutes from questions and answers not previously written by him, and transcribe the same with accuracy. If the applicant pass this test satisfactorily, a majority of the committee shall furnish him with a certificate of the fact, which shall be filed among the records of the court.

Upon the occasion of subsequent appointments, the presentation of a certified transcript from the clerk of the court of the certificate above mentioned, shall be taken as prima facie evidence of the stenographer's competency.

Sec. 3. Before any person shall assume the duties of court stenographer under the provisions of this act, he shall subscribe to an oath to be administered to him by the clerk of any district court to the effect that he will

well and truly and in an impartial manner keep a correct record of all the evidence offered in any case which may be reported by him, together with the objections and exceptions thereto which may be interposed by the parties to such suit and the rulings and remarks of the court in passing on the admissibility of such testimony, and shall execute a good and sufficient bond in the sum of one thousand dollars payable to the Governor of the State of Texas, with at least two good and sufficient sureties, resident citizens of the State of Texas, to be approved by the district judge conditioned that he will well and truly perform the duties of his office as prescribed in this act, and shall pay over to the treasurer of the county in which service is performed all moneys coming into his hands in excess of the maximum amount allowed him under this act; provided that in any county within this State wherein no regular stenographer is appointed under the provisions of this act, and the court shall appoint a special stenographer for any particular cause, such special stenographer so appointed shall not be required to give the bond herein provided for.

Sec. 4. It shall be the duty of the official stenographer to attend all sessions of the court; to take full stenographic notes of all oral evidence offered in every case tried in said court, together with all objections to the admissibility of testimony, the rulings of the court thereon and all exceptions taken to such rulings; to preserve all notes taken in said court for the future use or reference for at least one year after having been transcribed, and to furnish either party to the suit a transcript in the form of a statement of facts of all of said evidence or other proceedings upon the payment to him of a compensation hereinafter provided.

Sec. 5. In case an appeal is taken from a judgment rendered in any civil cause, the stenographer shall, when requested by the party appealing or his attorney of record, make up a duplicate statement of facts, which shall consist of the evidence introduced on the trial, both oral and by deposition, stated in narrative form, together with copies, to be made in accordance with the rules of court, of such documents, sketches, maps and other matters as were used in evidence. It shall not be necessary to copy such statement of facts in the transcript, but the same shall, when agreed to by the parties in writing and



approved by the judge, or in the event of their failure to agree when prepared and approved by the judge trying the cause, be filed with the clerk of the court, and the original thereof shall be sent up as a part of the record of the cause.

If the parties can not agree upon a statement of facts in any case, each party or his attorney shall make out a condensed statement of facts and submit such statement to the court and the court shall make out a statement of facts. The judge of the court may call the stenographer and require him to read from his stenographic notes for his information and may direct such stenographer to make up such statement of facts for him which, when so made, and approved by the court, shall be filed in the cause, and shall constitute the statement of facts in such cause.

Sec. 6. In the trial of all criminal cases in the district court in which the defendant is charged with felony the stenographer shall keep an accurate stenographic record of all the proceedings of such trial in like manner as is provided for in civil cases, and should an appeal be prosecuted from any judgment of conviction, whenever the State and defendant can not agree as to the testimony of any witness, then and in such event so much of the transcript of the stenographer's report with reference to such disputed fact or facts shall be inserted in the statement of facts as is necessary to show what the witness testified to in regard to the same, and shall constitute a part of the statement of facts, and the same rule shall apply in the preparation of bills of exceptions; provided that such stenographer's report, when carried into the statement of facts or bills of exceptions, shall be condensed so as not to contain the questions and answers, except where in the opinion of the judge, such questions and answers may be necessary in order to elucidate the fact or question involved. Provided, that the amount of \$5 a day allowed by this act shall be in full of all compensation to said stenographer for any and all criminal cases.

Sec. 7. At the request of either party it shall be the duty of said stenographer to make a transcript in typewriting of all the evidence and other proceedings had on any trial, which transcript shall be paid for by him and be the property of the party ordering the same.

Sec. 8. The official stenographer shall receive as per diem compensation

the sum of \$5 for each and every day he shall be in attendance upon the court for which he is appointed, to be paid monthly out of the general fund of the county in which said court sits, upon the certificate of the judge thereof, by the commissioners court of said county. He shall also receive from the money paid to the clerk of the court by the person or persons ordering such transcript or statement of facts, the sum of ten cents per folio of one hundred words for each original copy and five cents per folio of one hundred words for each carbon copy thereof; provided that total compensation to such stenographer shall not exceed \$2500 per annum.

Sec. 9. The fees allowed the official stenographer shall be paid to the clerk of the court by the parties ordering the statement of facts and by said clerk paid to the stenographer upon filing the same as herein required, and the cost of such statement of facts shall be taxed as any other costs of the case.

Sec. 10. Hereafter the clerks of all the courts having appointed official stenographers as provided for in this act, shall tax as costs in each civil case now or hereafter pending in such courts, except suits for the collection of delinquent taxes, and except suits which are not contested, in which cases the imposition of the stenographer's fee herein provided for shall be within the discretion of the trial court a stenographer's fee of \$3, which shall be paid as other costs in the case, and which shall be paid by said clerk, when collected, into the general fund of the county in which said court sits, except cases in which the district court has not original jurisdiction.

Sec. 11. The official stenographer may, with the consent of the court, appoint one or more deputies when necessary to assist him in the discharge of his duties.

Sec. 12. It shall be the duty of each official stenographer to file with the district clerk of the county for which said stenographer is appointed, annually upon the first day of January after his appointment, an itemized statement verified by his affidavit, of all sums collected by him as per diem or other compensation during the preceding year, giving the names of the person paying each sum and the date and the payment of same.

Sec. 13. It shall be the duty of the county treasurer of all counties in which the district court having official

stenographers shall sit to file with the clerk of such court annually on the first day of January an itemized statement of all sums received by him from the clerk during the preceding year as stenographer's fees by such clerk.

Sec. 14. Each and every statement of facts to be filed in any cause as provided for in this act shall be approved by the court and filed within thirty days after the final adjournment of the term of court at which such cause was tried. Provided that the appellant shall prepare or cause to be prepared as hereinbefore provided such statement of facts and present the same to the opposite party or his attorney of record for his approval within fifteen days after the final adjournment of such court. And when presented to such opposite party or his attorney of record, such opposite party or his attorney of record shall within ten days thereafter, if he fail or refuse to agree to such statement of facts as submitted by the appellant, prepare or caused to be prepared as hereinbefore provided a statement of facts upon which he relies to be submitted to the court as hereinbefore provided, and from such statements and the record of the case, the court shall make up such statement of facts and approve and file the same as hereinbefore provided within the said thirty days after such final adjournment of such term of court.

Sec. 15. That Chapter 60, Acts of the Twenty-eighth Legislature of the State of Texas, and Chapter 112 of the Acts of the Twenty-ninth Legislature of the State of Texas, providing for the appointment of official stenographers, prescribing their duties and regulating their charges, together with all other laws in conflict herewith, be and the same are hereby expressly repealed; provided, however, that nothing in this act shall be construed as preventing parties to suits from preparing statements of facts on appeal independent of the official stenographer; provided, the provisions of this act as to time of preparation, presentation to opposite party and approval by the court shall apply to all statements of fact; provided, either party may prepare such statement of facts for himself, and when submitted to the opposite party, agreed to by him and approved by the court, the same shall be filed as the statement of facts on appeal in said cause; and provided further, in case either of said parties to such suit shall prepare for himself such statement of facts indepen-

dent of such court stenographer, and the same shall not be agreed to by the opposite party, then such opposite party or his attorney of record shall prepare and file with the court in time for such statement to be made up and filed finally and approved by the court within the time as required by this act for the filing and approving such statement of facts, the statement of facts as desired by him, and the judge of such court shall then make such statement of facts, which when so made out by the judge of the trial court shall be approved by him and filed as the statement of facts on appeal in said cause. Provided no statement of facts shall be incorporated in the transcript on appeal, but the original shall be sent up therewith.

Sec. 16. Whenever either party to a civil cause pending in the county court shall apply therefor, the judge of the court shall appoint a competent stenographer to report the oral testimony given in such cause. Such stenographer shall take the oath herein prescribed, and shall receive such compensation as the court may fix, to be not less than \$5 per day, which shall be taxed and collected as costs. The provisions of this act with respect to the preparation of the statement of facts, the time to be allowed therefor, and for the presentation to the opposite party, and the approval and filing thereof by the court shall apply to all statements of facts in civil cases tried in the county court.

Sec. 17. The fact that the present law relating to the appointment of official stenographers has caused, and is causing confusion, is unjust to litigants and onerous in its application to the business of the courts, and the further fact of the limited time within which to introduce bills and be acted upon at the present Special Session of the Legislature, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

MEACHUM,  
ALEXANDER,  
MAYFIELD,  
WILLACY,

On part of the Senate.  
NELSON of Hopkins,  
WOLFE,  
DAVIS of Brazos,  
STRATTON,  
HAMILTON,

On part of the House.

On motion of Senator Meachum, the report was adopted by the following vote:

Yeas—22.

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Stone.
Griggs.	Terrell.
Grinnan.	Watson.
Harper.	Willacy.

Nays—1.

Murray.

Present—Not Voting.

Smith.

Absent.

Greer.	Paulus.
Harbison.	Stokes.
Masterson.	Veale.

Absent—Excused.

Holsey.

#### SIXTEENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has

Adopted Free Conference Committee report on House bill No. 4.

Also adopted the Free Conference Committee report on Senate bill No. 18.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

#### APPOINTMENT OF NOTIFICATION COMMITTEE.

Senator Brachfield here moved that the Chair appoint a committee of three to notify the Governor that the Senate had completed its labors and was ready to adjourn.

The motion was adopted and the Chair appointed the following committee to notify the Governor:

Senators Brachfield, Senter and Faust.

The committee immediately notified the Governor, as instructed, and made their report.

#### HOUSE NOTIFICATION COMMITTEE.

Senator Hudspeth here moved that the Chair appoint a special committee to notify the House of Representatives that the Senate had completed its labors and was ready to adjourn.

The motion prevailed, and the Chair appointed the following as the committee: Senators Hudspeth, Meachum and Kellie.

#### MESSAGE FROM THE GOVERNOR.

Executive Office, State of Texas,  
Austin, Texas, May 11, 1907.

To the Legislature:

Having received notice that your labors are about complete, and that you will, in a little while, adjourn without day, I desire to add a word of commendation for your loyalty to party pledges and your fidelity to the people. You may have been misunderstood, as you have often been misrepresented, but I believe that no abler or more patriotic body of men have ever assembled to legislate for the people of Texas.

Even if appropriate and the time opportune for a review of the many important and wholesome laws you have passed, the time elapsing between the close of the Legislature and the notice given me of the time of your final adjournment is not sufficient for a satisfactory treatment of the same. That the wisdom of your legislation will be vindicated, and that the same will rebound to the good of the State and of all the people, there can be little doubt.

Between the Legislative and Executive Departments the most cordial relations have existed at all times, and I thank you for your co-operation. To each and every member of this Legislature, and to its officers, I wish to express my grateful appreciation for the uniform courtesies extended me.

Texas will be proud of the Thirtieth Legislature.

T. M. CAMPBELL,  
Governor.

#### SEVENTEENTH HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

Concurs in Senate amendments to House bill No. 8.

Respectfully,  
BOB BARKER,  
Chief Clerk, House of Representatives.

#### SPECIAL COMMITTEE REPORT.

It was announced that the Senate calendar was clear, whereupon

The committee appointed to notify the House of Representatives that the Senate had completed its labors and was ready to adjourn, here announced that they had performed their duties, and was ready to adjourn.

#### NOTIFICATION FROM THE HOUSE.

Here a special committee from the House appeared at the bar of the Senate and announced that the House of Representatives had completed its labors, and was ready to adjourn.

#### BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

Senate bill No. 31, "An Act to simplify trials for the contest of local option elections, and to simplify criminal trials that arise under local option laws by amending Article 3397 of Title LXIX, Revised Civil Statutes of Texas, providing the time and manner in which local option elections may be contested, prescribing the effect to be given the judgment of the courts in which said election is contested, and provided further, that when no contest is filed as provided in the act that the legality of the election and the result as declared shall be conclusively presumed and shall be binding upon all courts, repealing all laws in conflict with this act, and declaring an emergency."

Senate bill No. 62, "An Act appropriating the sum of \$7000, or so much thereof as may be necessary, to pay the mileage and per diem of members and per diem pay of officers and employes of the First Called Session of the Thirtieth Legislature, and declaring an emergency."

Senate bill No. 2, "An Act to amend Articles 5058, 5059 and 5060 of Title CIV, Chapter 1, Revised Civil Statutes of 1895, of the State of Texas, and to add thereto Article 5058a, and declaring an emergency," relating to the office of State Revenue Agent, and authorizing

the Governor to appoint two deputies to assist the State Revenue Agent in the performance of his duties.

Senate bill No. 66, "An Act correcting and amending Senate bill No. 311, passed at the Regular Session of the Thirtieth Legislature, creating an independent school district in the counties of Gonzales and Wilson, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only."

Senate bill No. 63, "An Act to amend Section 201 of an act entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first-class, as a city of 10,000 and over of inhabitants; to grant to the said city a special charter; to repeal all laws in conflict herewith, and declaring an emergency.'"

Senate bill No. 24, "An Act to compel telephone and telegraph companies to arrange for connections or transfer of messages with other telephone and telegraph lines doing a like business."

Senate bill No. 55, "An Act to amend an act passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a board to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such board and certain duties of the tax assessors of the various counties in this State,' providing that said board shall also calculate the ad valorem rate of taxes for public free school purposes and also authorizing the commissioners courts of the several counties of this State to calculate the rate and to adjust the taxes levied in the several counties or portions thereof, for general or special purposes to the taxable values, as shown on the assessment rolls."

Committee Substitute Senate bill No. 18, "An Act providing for the appointment of official stenographers for district courts by the judges thereof in all districts, to report cases, and make the report of such stenographer when filed the statement of facts of all evidence, both oral and written, introduced in the trial of cases; to provide for the compensation of such stenographers, declaring an emergency and repealing Chapter 60, page 84, Acts of the Twenty-eighth Regular Session of the Legislature, also Chapter 112, page 219, Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas."

Senate bill No. 4, "An Act providing for the listing and valuing of property for the purposes of taxation; defining duties of assessors and deputy assessors; prescribing rules for determining the value of property; prescribing rules to govern commissioners courts when sitting as a board of equalization; prescribing additional oaths to be administered to tax assessors and deputy tax assessors, county judges and county commissioners, and providing penalties for violation thereof, and declaring an emergency."

Senate bill No. 48, "An Act to amend Article 1092, Chapter 2, Title XV, of the Code of Criminal Procedure of the State of Texas, relating to fees of county and district attorneys in examining trials."

Committee Substitute Senate bill Nos. 41 and 43, "An Act to create a State Text-Book Board."

House bill No. 2, "An Act to amend Article 2439a, Chapter 41, Title XLV, of the Revised Civil Statutes of Texas, relating to fees of office charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature of Texas, and adding thereto Article 2439a, prohibiting the approval or payment of any account or claim to any official who refuses or fails to take out his commission, and declaring an emergency."

House bill No. 3, "An Act to tax property passing by will or by descent or by grant, or gift, taking effect on the death of the grantor or donor."

House bill No. 4, "An Act providing for the levy and collection of an occupation tax upon individuals, companies, corporations and associations pursuing any of the occupations, etc., and giving the State Revenue Agent authority to assist in the enforcement of the provisions of this act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 7, "An Act to amend Chapter 146, Acts of the Twenty-ninth Legislature, approved April 17, 1905, an act for the taxation of the intangible assets of certain corporations, associations and individuals, and to provide for the creation of a State Tax Board, for the valuation of such intangible assets, and for the distribution of said values for local taxation, and for the assessment of said assets, and the levy and collection of taxes thereon, and to provide for the repeal of all laws and

parts of laws laying taxes on the gross incomes of the corporations, associations and individuals affected by the provisions of this act, and providing for the creation of a board of tax commissioners, and prescribing its duties, and for the valuation, assessment and taxation of the intangible assets of certain individuals, companies, corporations and associations, and for the distribution of said assessments for local taxation, and for the levy and collection of State and county taxes thereon, and to provide penalties for the violation of this act, and preserving all assessments, findings, judgments, proceedings and orders made, found, had or entered under said act approved April 17, 1905, prior to the time this act goes into effect, and preserving all rights and remedies vested or accrued under said act of April 17, 1905, and declaring an emergency."

House bill No. 8, "An Act to amend Article 2439, Chapter 1, Title XLV, of the Revised Civil Statutes of Texas, relating to fees of office charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature of Texas, and adding thereto Article 2439a, prohibiting the approval or payment of any account or claim to any official who refuses or fails to take out his commission, and declaring an emergency."

House bill No. 10, "An Act prescribing franchise taxes to be paid by private, domestic and foreign corporations for the exercise of the privilege of doing business within the State of Texas, and declaring an emergency."

House bill No. 40, "An Act to validate certain levies of county taxes and proceedings thereunder, and declaring an emergency."

House bill No. 67, "An Act to amend Sections 5 and 6 of Chapter 103, passed by the Regular Session of the Twenty-ninth Legislature, and approved April 15, 1905, relating to the sale and lease of the land belonging to the public free school and asylum funds, and to add thereto Sections 6a, 6b, 6c, 6d, 6e, 6f and 6g, relating to the sale, settlement and residence on land, sales without residence, sale of timber, sales for cash or on time, transfers, forfeitures, reservation of minerals, guayule, lechuguilla and sotol, and providing a penalty for cutting or removing such substances from the land, certificates of occupancy to become muniments of title, authorizing the Commissioner to adopt rules and regulations necessary to execute the

provisions in conflict with this act, and declaring an emergency."

House bill No. 76, "An Act to amend an act to prescribe the time within which statements of facts, bills of exceptions may be filed in causes tried in the district and county courts of Texas, and to authorize judges whose terms of office has expired to approve the same, being Chapter 25 of the Acts of 1903, approved February 28, 1903; amending so that judges also have twenty days after adjournment of the term of court at which said cause may be tried to file findings of fact and conclusions of law."

House bill No. 103, "An Act to incorporate Seagoville School District in Dallas and Kaufman counties an independent school district; and to provide for the election of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein."

House Concurrent Resolution No. 2, Relative to a joint postoffice for the House and Senate.

House Concurrent Resolution No. 3, Requesting the Governor to return House bill No. 2 for correction.

#### SINE DIE ADJOURNMENT.

The Notification Committees having made their reports, and all bills having been signed by the Chair, Lieutenant Governor Davidson announced that the hour for sine die adjournment had arrived, and, in accordance with authority vested in him, as Lieutenant Governor of the State of Texas, did, at 12:40 o'clock a. m., pronounce the First Called Session of the Thirtieth Legislature adjourned sine die.

#### APPENDIX.

##### REASONS FOR VOTING.

I am opposed to House bill No. 67 as amended, and protest against its passage, because it gives the large lessees a preference right to purchase, and denies to the humble homeseeker an equal privilege. This is the basest sort of class legislation. In numerous instances, poor people have left other parts to this State, and other States, seeking for homes within their reach, where they can shield themselves from the oppression of the strong and grasping rich, and have a place of refuge and a gleam of hope. Allured by the reputation of our great Commonwealth given to her by her fathers, of equal rights to all, and the promise of a home at a reason-

able price and on terms the poor can meet, they came to West Texas, selected their homes and offered the State the highest price for lands, and under the preference right clause in the law, the lessees and sublessees have been permitted to step in and at a lower price take away said lands from the bona fide homeseeker and actual settler, and this, too, when the lessee owned his thousands of acres, and uses such privilege to harass and oppress the poor. The lessee sometimes has as many as a dozen or more leases, containing from ten to one hundred sections each, and in each one of these leases there is a preference right to purchase from four to eight sections, and in instances, the lessees have transferred such leases to their children, relations and servants, merely for the purpose of depriving the poor man of his home. Thus, you see, the school funds of the State have been pillaged, and the poor denied equal rights under the law.

Some of you Senators say you are going to vote for the "preference right clause," because you do not know anything about the question at issue. I say, it is your duty to know it before you vote. You can not afford to treat lightly the principle of equal rights to all. It is the rock upon which our temple of liberty rests. It is the lofty spirit that caused the hand of Jefferson to trace the Declaration of Independence, and the eloquent lips of those now cold in death to defend it.

When Stephen F. Austin located his colony, he opened its doors to all who would make it their home, and they all had an equal right to select it, and no one was preferred over another. When the Mexican government began to oppress them, breathing the spirit of patriotism of our Revolutionary fathers, they rose in their might and threw off the yoke of Mexican oppression, and established for themselves this free and independent Republic. When these heroes first met to frame their Constitution, feeling the pangs of oppression and tyranny, and having the experience of being deprived of equal rights by the rule of Santa Anna, they engrafted this provision in their Constitution:

"Article 1, Sec. 3. All free men, when they form a social compact, have equal rights, and no man or set of men is entitled to exclusive separate public emoluments or privileges, but in consideration of public services."

This wise principle has been brought down in every Constitution since; and

not until 1897 was there any attempt to violate it. Up to that time, every person had an equal right to purchase the public lands of this State. Now, the poor man is denied equal rights under the law, and by this bill you continue to license that crime. If we had no other reason, pride of State and love of the common people should deter us. But, besides, the appeals of the honest poor, the appeals of the needy, to those in whose bosoms there is yet a throb for the love of country and of home, stands out like a rainbow in a cloud, that grand principle for which the fathers of this Republic fought.

When I told my people that I was opposed to giving "preference rights," I meant it, and when I took my oath of office, I intended to obey it; and I appeal to you to take up this defense of a just cause, and guard our Constitution in its purity. The principle set out in this provision of our Constitution, should be so deeply emplaced in our bosoms that it should be unnecessary to place it in the fundamental law of our land. Our surroundings should make it so. Standing where we are, we can look upon the battles of the Alamo and of San Jacinto, and see those heroes pouring out their best blood like water in the defense of this principle. Around these walls hang the pictures of some of those who fought for and established it, until it appears like we have here a Legislature of the dead to encourage and inspire the Legislature of the living. Let us take inspiration from these examples. While the men who fought for these privileges are dead, while the eloquent lips of those who sustained them are hushed, yet the lofty spirit of those who conceived it can never die.

"These shall resist the empires of decay,  
When time is o'er and worlds have  
passed away;  
Cold in the dust those perished hearts  
may lie,  
But that which warmed them once,  
can never die."

GRINNAN.

#### COMMITTEE REPORTS.

(Floor Report.)

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred House

Concurrent Resolution No. 3, have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass, and be not printed.

Looney, Chairman; Greer, Cunningham, Barrett, Hudspeth, Terrell, Watson.

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 18 (see report of Free Conference Committee for bill in full), and find it correctly enrolled, and have this day, at 11:15 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 66, "An Act correcting and amending a bill passed by the Thirtieth Legislature creating an independent school district in the counties of Gonzales and Wilson, to be known as the Nixon Independent School District,"

And find it correctly enrolled, and have this day, at 6 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 63, "An Act to amend Section 201 of an act entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first class as a city of ten thousand and over of inhabitants; to grant to the said city a special charter; to repeal all laws in conflict herewith, and declaring an emergency,'"

And find it correctly enrolled, and have this day at 6 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 62, "An Act appropriating the sum of \$9000, or so much thereof as may be necessary, to pay the mileage and per diem of members and per diem pay of officers and employes, \$3000 for contingent expenses of the First Called Session of the Thirtieth Legislature, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 10:15 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 31, "An Act to simplify trials for the contest of local option elections and to simplify criminal trials that arise under local option laws by amending Article 3397 of Title LXIX, Revised Civil Statutes of Texas, providing the time and manner in which local option elections may be contested, prescribing the effect to be given the judgment of the courts in which said election is contested, and provided further, that when no contest is filed as provided in the act that the legality of the election and the result as declared shall be conclusively presumed and shall be binding upon all courts, repealing all laws in conflict with this act, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3397 of Title LXIX, Revised Civil Statutes of Texas, be so amended as to hereafter read as follows:

"Article 3397. At any time within thirty days after the result of the election has been declared, any qualified voter of the county, justice's precinct or subdivision of such county, or any town or city of such county in which such election has been held, may contest the said election in the district court of the county in which such election has been held, which shall

have original and exclusive jurisdiction of all suits to contest such election, and the proceedings in such contest shall be conducted in the same manner as has been or may hereafter be prescribed, and said court shall have jurisdiction to try and determine all matters connected with said election, including the petition for such election and all proceedings and orders relating thereto, embracing final count and declaration and publication of the result putting local option into effect, and it shall have authority to determine questions relating to the legality and validity of said election, and to determine questions whether by the action or want of action on the part of the officers to whom was entrusted the control of such election, such a number of legal voters were denied the privilege of voting as had they been allowed to vote might have materially changed the result, and if it shall appear from the evidence that such irregularities existed in bringing about said election or in holding same, as to render the true result of the election impossible to be arrived at, or very doubtful of ascertaining, the court shall adjudge such election to be void, and shall order the proper officer to order another election to be held, and shall cause a certified copy of such judgment and order of the court to be delivered to such officer upon whom is devolved by law the duty of ordering such election. It is further provided that all such cases shall have precedence in the district court and appellate courts, and that the result of such contest shall finally settle all questions relating to the validity of said election, and it shall not be permissible to again call the legality of said election in question in any other suit or proceeding; and provided further, that if no contest of said election is filed and prosecuted in the manner and within the time provided above, it shall be conclusively presumed that said election as held and the result thereof declared, are in all respects valid and binding upon all courts; provided also that pending such contest the enforcement of local option law in such territory shall not be suspended, and that all laws and parts of laws in conflict herewith be and the same are hereby repealed."

Sec. 2. Any qualified voter of any county, justice precinct or subdivision of any county, or any town or city within this State which has heretofore voted on local option may contest said election under the provisions of this act, and if no contest is filed within sixty days from the taking effect of this



act, it shall be conclusively presumed that said election as held was valid in all things and binding upon all courts.

Sec. 3. The large amount of important business to be transacted at this special session, and the importance of this measure to the public, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days, and that this act be in force and take effect from and after its passage, and the same is so enacted.

And find it correctly enrolled, and have this day, at 10:15 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 24, "An Act to compel telephone and telegraph companies to arrange for connections or transfer of messages with other telephone and telegraph lines doing a like business."

Be it enacted by the Legislature of the State of Texas:

Section 1. That all companies and corporations that own or operate telephone or telegraph lines for the purpose of transmitting messages from one point to another are hereby required to arrange for conversations or transfer of messages as hereinafter provided.

Sec. 2. All companies, individuals, firms or corporations doing a telephone business in this State shall be compelled to make physical connections between their toll line at common points for the transmission of messages or conversations from one line to another. Such connection to be made through the switchboard of such individuals, companies, firms or corporations, if any is maintained at such points, so that persons so desiring may converse from points on one of such lines to point on another.

Sec. 3. All telegraph companies or persons, firms, corporations or associations of persons, which are now or shall hereafter be engaged in the business of accepting and transmitting messages to and from different points in this State, where the use of a telegraph instrument or instruments is necessary in the conduct of such business, shall, if

there be any other persons, firm, corporation or association engaged in such business at the same point or in the same town, city or village, provide means whereby all messages conveyed to such points over the lines of any such companies shall be transferred to the lines engaged in such business as such common points and transmitted to their final destination, and such facilities shall be provided as will guarantee the transfer of such messages in compliance with the provisions of this act; provided, that in no case shall any message be transferred from one line to another against the will of the company first handling same when it is possible for such company to deliver said message direct to the party for whom it is intended via the line or lines operated and owned by said company, and provided further, that no telegraph or telephone company shall, under the provisions of this act, be compelled to receive from the wires or lines of any other telegraph or telephone company and convey to its final destination any message originating at any point on its own lines.

Sec. 4. The city council in incorporated cities and the commissioners court at points where there is no city council, shall, on the application of one hundred resident citizens, or upon its own motion, hear such evidence as they think necessary, and upon a final hearing they shall determine whether or not it would be necessary for public convenience and just to the telephone or telegraph companies to make such connection or arrange for transfer of messages, whereupon they shall enter of record their findings, and shall also set out in their order the conditions upon which such arrangements for conversation or transfer of messages shall be made, and shall decide what proportion of expense shall be paid by each of said connecting lines.

Sec. 5. Whenever the city council or commissioners court shall enter an order in compliance with Section 3 of this act, requiring telephone or telegraph companies to arrange for conversation or transfer of messages, it shall be compulsory on said company to arrange for such conversation or transfer of messages, and failing to do so shall forfeit to the State of Texas, on suit by the county or district attorney, the sum of \$10 for each and every day they so neglect; provided, that the penalty herein assessed shall not be operative against a company which is prevented from making connections as herein required through the fault or omission of another company, so long as such fault or omis-

sion shall cause such failure on its part to so connect; provided further, that any company ordered to arrange for conversations or to transfer messages between its line and another line as herein provided shall have the right to appeal from such order to the court having jurisdiction over said matter, and the court shall, if it shall find that appellant had reasonable grounds for prosecuting such appeal, suspend the penalty herein provided for until such appeal is finally determined.

Sec. 6. (Emergency clause.)

And find it correctly enrolled, and have this day, at 6 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Committee Substitute Senate bill Nos. 41 and 43 (see report of Free Conference Committee for bill in full), and find it correctly enrolled, and have this day, at 11:15 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 4 (see report of Free Conference Committee for bill in full), and find it correctly enrolled, and have this day, at 11:15 p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Committee Substitute Senate bill No. 2, "An Act to amend Articles 5058, 5059 and 5050 of Title CIV, Chapter 1, Revised Civil Statutes of 1895 of the State of Texas, and to add thereto Article 5058a, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 5058, 5059 and 5060 of Title CIV, Chapter 1, Re-

vised Civil Statutes of 1895 of the State of Texas, be amended so as to hereafter read as follows; and that Article 5058a be added thereto, to read as follows:

Article 5058. The Governor is authorized to appoint a suitable person as Revenue Agent for the State of Texas for the purpose of securing a better enforcement of the revenue laws of the State; the agent provided for herein shall be known as the State Revenue Agent. The Governor, should he deem it advisable at any time, may also appoint not exceeding two deputy revenue agents; said deputy or deputies, as the case may be, shall assist the State Revenue Agent in securing a better enforcement of the revenue laws of this State, and said State Revenue Agent and his deputies shall be subject to the directions of the Governor, who may, if in his judgment the public service demands it, direct and require the said officers to investigate the books and accounts of the assessing and collecting officers of this State, and all officers and persons disbursing, receiving or having in their possession, State public funds, and to make such other investigation and perform such other duties in the interest of the public revenues of the State as the Governor may from time to time direct. Whenever any such investigation is ordered by the Governor, the Revenue Agent, or deputy revenue agent, shall report to the Governor in writing, the result of such investigation and point out the particulars, if any, wherein the revenue laws have been violated, their enforcement neglected, together with the names of the parties delinquent therein. Whereupon the Governor shall institute such civil and criminal proceedings as may be provided by law through the Attorney General in the name of the State against such delinquent parties who are reported by such agent to be delinquent in the district court of the county in which such delinquent resides, or in case the Attorney General or either of his assistants shall file an affidavit that in his opinion the State could not get justice in said court, then and in such event such suit may be brought in the district court of some adjoining county. Said Revenue Agent and each deputy revenue agent shall have power at any time to examine and check up all and any disbursements or expenditures of money appropriated for any of the State institutions, or for any State purpose or for improvements made by the State on property or money received and disbursed by any board authorized by law to receive and disburse State money.

Article 5058a. Each deputy revenue

agent shall be under the supervision of the State Revenue Agent, and shall make report to him at such times as he may direct, and shall also report to the Governor upon any matter when requested to do so, and shall have the same authority and power to inspect accounts, records and books of officers as is conferred upon the State Revenue Agent.

Article 5059. When said Revenue Agent or any deputy revenue agent, acting under the direction of the Governor, calls on any person connected with the public service to inspect his records, accounts or books, said officer or official so called upon shall submit to said agent all books, records and accounts so called for without delay.

Article 5060. Said Revenue Agent shall receive as compensation for his services the sum of two thousand dollars per annum, together with his actual traveling expenses, which shall be paid on the approval of the same by the Governor; each deputy revenue agent shall receive as compensation for his services the sum of eighteen hundred dollars per annum, together with his actual traveling expenses, which shall be paid on the approval of the same by the Governor; the State Revenue Agent shall be furnished an office assistant and clerk who shall receive the sum of one thousand dollars per annum; provided, said Revenue Agent or any deputy revenue agent shall not be allowed traveling expenses for any services connected with examinations of the accounts of any institution in Travis county.

Sec. 2. There is hereby appropriated out of the general revenues the sum of thirty-six hundred dollars per annum, or so much thereof as may be necessary, in addition to the sums appropriated in the appropriation bill passed at the general session of the Thirtieth Legislature to pay said salaries.

Sec. 3. The importance of this law, and the fact that there is now no adequate law on the subject, create an emergency and an imperative public necessity, demanding that the constitutional rule requiring bills to be read on three several days be suspended, and the same is suspended, and that this act take effect from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 6 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 48, "An Act to amend Article 1092, Chapter 2, Title XV, of the Code of Criminal Procedure of the State of Texas, relating to fees of County and District Attorneys in examining trials, with an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1092, Chapter 2, Title XV, of the Code of Criminal Procedure shall be amended to read hereafter as follows:

(1) County judges, justices of the peace, sheriffs, constables, district and county attorneys and district clerks shall be allowed the following fees:

(2) In all cases where county judges and justices of the peace shall sit as examining courts in felony cases they shall be entitled to the same fees allowed by law for similar services in misdemeanor cases to justices of the peace, and ten cents for each one hundred words for writing down testimony, to be paid by the State, not to exceed three dollars for all his services in any one case.

(3) Sheriffs and constables serving process and attending any examining court in the examination of any felony case shall be entitled to such fees as are fixed by law for similar services in misdemeanor cases to be paid by the State, not to exceed four dollars in any one case.

(4) District and county attorneys, for attending and prosecuting any felony case before an examining court, shall be entitled to a fee of five (\$5.00) dollars to be paid by the State for each case prosecuted by him before such court, provided such fee shall not be paid except in cases where the testimony of the material witnesses to the transaction shall be reduced to writing, subscribed and sworn to by said witness.

(5) The fees mentioned in Sections 2, 3 and 4 of this act shall become due and payable only after the indictment of the defendant for the offense of which he was charged in the examining court and upon an itemized account sworn to by the officers claiming such fees approved by the judge of the district court.

(6) Only one fee shall be allowed for an examining trial, though more than one defendant is joined in the complaint, and when defendants are proceeded

against separately who could have been proceeded against jointly, but one fee shall be allowed in all cases that could have been so joined, and the account of the officer and the approval of the judge must show that the provisions of this article are complied with.

Sec. 2. The fact that in many counties of this State, district and county attorneys fail to have the evidence of the material witnesses in examining trials reduced to writing, and as a result said witnesses are summoned before the grand jury to whom the complaint is sent at great cost, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 11:15 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,  
Austin, Texas, May 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 55, "An Act to amend an act passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a Board to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such Board and certain duties of the tax assessors of the various counties in this State,' providing that said Board shall also calculate the ad valorem rate of taxes for public free school purposes, and also authorizing the commissioners court of the several counties in this State to calculate the rate and to adjust the taxes levied in the several counties or portions thereof, for general or special purposes to the taxable values as shown on the assessment rolls."

Be it enacted by the Legislature of the State of Texas:

That an act passed at the Regular Session of the Thirtieth Legislature, entitled "An Act to provide for a Board to calculate the ad valorem rate of taxes for State purposes each year and to prescribe the duties of such Board and certain duties of the tax assessors of the various counties in this State," be and the same is hereby amended so as to read as follows:

Section 1. That the Governor, Comptroller of Public Accounts and Treasurer of this State be, and the same are hereby constituted a Board to calculate the ad valorem tax to be levied and collected each year for State and public free school purposes.

Sec. 2. It shall be the duty of the tax assessor of each county in this State to make to the Comptroller of Public Accounts a statement as near as can be ascertained from the inventories or assessments showing the total amount of property in such county subject to taxation on or before the 15th day of August of the year 1907, and each year thereafter; provided, that the taxes for State and public free school purposes shall not be calculated and carried out upon said rolls.

Sec. 3. Within five days after the Comptroller of Public Accounts has received such certified statements from every assessor within this State, said Board shall meet for the purpose of calculating the ad valorem rate for taxes to be collected for the State and public free school purposes. In calculating said rates the Board shall calculate the same by the following rules and upon the following basis: They shall find by adding together all the property subject to taxation in all the counties as shown by the certified statements returned by the assessors the total valuation of all property within this State subject to ad valorem taxes. They shall find by adding together the sums appropriated by the Legislature, which will or which may become due by the State during the following fiscal year, the total sum which will or which may become due by the State during the following fiscal year. They shall find by adding all sums paid into the State Treasury as taxes for State purposes from all sources other than as ad valorem taxes during the first half of the current calendar year and the latter half of the last preceding calendar year the total sum paid into the State Treasury from said sources during said time. They shall find by subtracting from the total sum which will or which may become due by the State during the next succeeding fiscal year the total sum which was paid into the State Treasury as taxes for State purposes during the first half of the current calendar year and the latter half of the last preceding calendar year, the total sum for State purposes which must be collected by ad valorem taxes. They shall add to such remainder, twenty per cent of said remainder. They shall divide the total sum for State purposes

which must be collected by ad valorem taxes added to twenty per cent of such total sum by the quotient of the total valuation of all property within this State divided by one hundred. The quotient shall be the number of cents on the one hundred dollars valuation to be collected for the current year for State purposes; provided that said quotient shall not be run to more than three decimals, and provided that the rate for State purposes shall never exceed the rate fixed by law on the one hundred dollars valuation of property. In calculating the rate to be collected for public free school purposes the said board shall take into consideration the number of children in the State within the scholastic age to be determined from the most recent official school census; and shall fix a rate that will yield and produce for such fiscal year four dollars per capita for all the children within the scholastic age, as shown by said scholastic census, provided the rate so fixed for any year shall never exceed the rate fixed by law.

Sec. 4. It shall be the duty of the Comptroller of Public Accounts to certify to the assessor of taxes of each county in this State, through registered letter, the rate of taxes for State purposes and for public free school purposes for the current year, and shall also publish immediately such rate for thirty days in some newspaper published in the State and having a general circulation therein, and as soon as such tax assessor

has received notice of such rate he shall calculate the taxes due the State for State purposes, and also the taxes due for public free school purposes, on all taxable property within his county, as set out in Section 3 of this act, and shall carry the same out upon the copies of the tax rolls of the county to be delivered to the tax collector and to the clerk of the county court and to be returned to the Comptroller of Public Accounts, as provided by law. After he has so completed the said copies of the tax rolls he shall return to the Comptroller of Public Accounts a copy of same.

Sec. 5. The commissioners courts of the several counties of this State, all the members thereof being present, at either a regular or special session, may at any time after the tax assessors of their respective counties have forwarded to the Comptroller of Public Accounts the certificate required in Section 2 of this act, and prior to the time when the tax collector of such county shall have begun to make out his receipts, calculate the rate and adjust the taxes levied in their respective counties for general purposes to the taxable values shown by the assessment rolls.

Sec. 6. (Emergency clause.)

And find it correctly enrolled, and have this day, at 11:15 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.